



A R K A N S A S  
Department of Environmental Quality

## Memorandum

**TO:** Michael O'Malley, Hearing Officer  
Arkansas Pollution Control and Ecology Commissioners

**FROM:** Mike Bates, Chief, Air Division *MB*

**DATE:** May 9, 2008

**SUBJECT:** Proposed Revisions to Regulation 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control

The Arkansas Department of Environmental Quality (ADEQ) proposes revisions to Regulation 19 by revising Chapter 14 to address the State's obligations as part of the Clean Air Interstate Rule (CAIR). Chapter 14 of Regulation 19, CAIR NO<sub>x</sub> Ozone Season Trading Program General Provisions, controls the interstate transport of NO<sub>x</sub> emitted by fossil-fuel fired Electric Generating Units (EGUs) by creating an interstate cap and trade program. Much of the federal program was incorporated by reference. This action will incorporate changes made by the United States Environmental Protection Agency (EPA) and correct an abbreviation.

October 19, 2007, the EPA modified portions of CAIR that were previously incorporated by reference into Chapter 14 of Regulation 19. The Department is proposing this rulemaking primarily so the provisions of Regulation Number 19 conform to this change. EPA has revised the calculation methodology for the efficiency standard in the cogeneration unit definition to exclude energy input from biomass making it more likely that units co-firing biomass will be able to meet the efficiency standard and qualify for an exemption to CAIR. The changes also include a new definition of "biomass," modifying the definitions of "cogeneration unit" and "total energy input" and clarifying the definition of "permitting authority." These changes are required to be made in all CAIR affected states by January 1, 2009.

In addition to this change, the abbreviation "MW" (megawatt), that is used in Section 19.1404, will be corrected to "MWh" (megawatt hour) to match the one used in sections that were incorporated by reference.