

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 19, REGULATIONS OF ) DOCKET NO. 12\_\_\_-R  
ARKANSAS PLAN OF IMPLEMENTATION )  
FOR AIR POLLUTION CONTROL )**

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION  
NO. 19, REGULATIONS OF THE ARKANSAS PLAN OF IMPLEMENTATION  
FOR AIR POLLUTION CONTROL**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control, states:

1. The Department requests that the Arkansas Pollution Control and Ecology Commission (hereinafter “Commission”) Initiate Rulemaking to amend Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control.
2. The proposed regulatory amendments are as follows:
  - (a) Substantive changes made to Regulation No. 19 to implement revisions to the Environmental Protection Agency’s National Ambient Air Quality Standards (NAAQS) for PM<sub>2.5</sub>, PM<sub>10</sub>, ozone, lead, nitrogen dioxide, and sulfur dioxide include:
    - i. revising the existing definitions of “PM<sub>2.5</sub>,” and “Particulate Matter Emissions,” updating the definition of “PM<sub>10</sub>,” and adding a definition of “PM<sub>2.5</sub> Emissions,” under Chapter 2;
    - ii. adding a PM<sub>2.5</sub> permitting threshold for minor sources to Reg.19.401; and

- iii. adding “Ten (10) tons per year of PM<sub>2.5</sub>” to Reg.19.407(C)(2)(a) and adding “PM<sub>2.5</sub>,” “2 µg/m<sup>3</sup>” and “24-hour” to the table under Reg.19.407(C)(2)(b) to provide for a *de minimis* permit change in regard to PM<sub>2.5</sub> emissions.

(b) Other revisions made to Regulation No. 19 include:

- i. revising the definition of “Volatile Organic Compounds’ in Chapter 2 to include the exemptions for propylene carbonate, dimethyl carbonate, and trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) to align the definition more closely with the federal definition;
- ii. eliminating the reference to 40 C.F.R. Part 50 under Reg.19.301; and
- iii. updating the definition for ‘Regulated NSR Pollutant’ under Reg.19.903(B).

(c) In addition, the Department will request public comments on the proposed revisions to Reg.19.903(B)(6) that include EPA’s proposed revision to the definition of “regulated NSR pollutant.” This proposed revision would reestablish the interpretation that for measurement of “particulate matter emissions,” in the context of the PSD and NSR programs, there is no explicit requirement to include measurement of condensable PM emissions except for PM<sub>2.5</sub> and PM<sub>10</sub>. Should EPA’s proposed rule not become finalized before the end of the public comment period for Regulation No. 19, ADEQ may remove it from the proposed language addressed in this petition.

(d) Non-substantive revisions made for clarification, consistency, or to update typographical errors throughout Regulation No. 19 include:

- i. adding “or ‘PM’” to the definition of “Particulate matter” under Chapter 2;
- ii. removing “which are in effect as of the effective date of this regulation” and clarifying applicability by adding a reference to Chapter 9 under Reg.19.502 for clarity;
- iii. correcting ‘herinunder’ to read ‘hereunder’ in Reg.19.503; adding “of” before lead on Reg.19.407(C)(2)(a)(vi);

- iv. naming a subsection as “Testing Methods and Records” and updating dates and C.F.R. references under Reg.19.702;
- v. correcting “Condensable” to “condensable” under Reg. 19.804;
- vi. correcting “exceedences” to “exceedances” under Reg. 19.601; and
- vii. changing “of” to “or” under Reg.19.1303(G)(2). Appendix B, a table showing the National Ambient Air Quality Standards, was also added for clarity. “Arkansas Code Annotated” and “(A.C.A.)” were replaced with “Ark. Code Ann.,” “CFR” was replaced with “C.F.R.,” “*et seq.*” was italicized, one section symbol mark (“§”) was deleted where two symbol marks were used in conjunction with “*et seq.*” and hyphens were added to “start-up” and “non-compliance” throughout Regulation No. 19.

3. The proposed changes to Regulation No. 19 have been sent for review by the Department to the Arkansas Economic Development Commission (“AEDC”) as required under Act 143 of 2007.

4. Mike Bates or other Air Division staff from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of Regulation No. 19 showing the proposed changes is attached as Exhibit “A,” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B,” and a copy of a Financial Impact Statement for the proposed revision is attached as Exhibit “C,” both of which are incorporated by reference. A memo regarding compliance with Act 143 of 2007 and an analysis of the impact to small business required pursuant to Act 143 of 2007 (formerly Executive Order 05-04), are attached as Exhibits “D,” and “E,” respectively, and are hereby incorporated by reference. This rulemaking is not exempt from the Economic Impact/Environmental Benefit Analysis requirement under Reg.8.812. An Economic Impact/Environmental Benefit Analysis is attached as Exhibit

“F.” A proposed minute order is attached as Exhibit “G,” and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 19.

Respectfully Submitted,  
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ENVIRONMENTAL QUALITY  
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By: \_\_\_\_\_  
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