



ARKANSAS STATE IMPLEMENTATION PLAN REVISION

Updates and Revisions to Rules of the Arkansas Plan of Implementation for Air Pollution Control

Division of Environmental Quality

Office of Air Quality

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I. Introduction

The Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), is requesting revisions to the United States Environmental Protection Agency (EPA)-approved state implementation plan (SIP) to remove certain outdated provisions and to update other provisions that are incorporated into 40 CFR § 52 Subpart E from Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 19, *Rules of the Arkansas Plan of Implementation for Air Pollution Control*. The proposed SIP revision is based on proposed changes to Rule 19, as outlined in the sections below.

DEQ developed a technical support document, “Changes to the Rules of the State Implementation Plan” (“SIP TSD”) to demonstrate how proposed amendments to APC&EC Rule 19 satisfy Clean Air Act (CAA) requirements and requirements for state implementation plans under 40 CFR Part 50. The SIP TSD is included in this SIP package.¹

Appendix B provides a comparison of the current federally enforceable SIP to changes to Rule 19 included in this SIP submittal.

II. Requested Revisions to Arkansas SIP Components

The amendments to Rule 19 include changes to:

- Add section 19.105 Incorporation by Reference, to clarify what Rule 8.817(C) already requires of referenced law in other APC&EC Rules;
- Revise to several definitions in Chapter 2:
 - Clean Air Act – change from “Federal Clean Air Act,” and replace the use of “Federal Clean Air Act,” “The Act,” and “FCAA” in the rule text;
 - CO₂ equivalent emissions – update the reference date to federal citation Table A-1 to Subpart A of 40 C.F.R. Part 98 to the most recent version. (79 FR 73750);

¹ All documentation associated with the proposed SIP revision may also be accessed via DEQ’s website: <https://www.adeg.state.ar.us/air/planning/sip/>

- Part 70 source – add a definition for the term, which was previously used in Rule 19 but undefined in the rule;
 - Plan – remove this term from Definitions and specified “state implementation plan” or “Rule 19,” as applicable, within the proposed rule text;
 - Twelve-month period – remove previous term “12-month period” from Definitions, and replace it with “Twelve-month period;” and
 - Volatile organic compounds – update the definition of this term based on recent federal exemptions to the list of compounds. (83 FR 61127)
- Include verbatim the provisions of Rule 8.204(B) related to Disclosure Statements, where it was previously incorporated by reference in Rule 19 at 19.407(B), Administrative Procedures-Changes in Ownership;
 - Remove Rule 19.409 Transition, as this provision is outdated, and was only necessary when the rule was first adopted;
 - Remove the effective date associated with Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models) in Rule 19.412(A);
 - Add section 19.904(H) to clarify air quality modeling requirements for the Prevention of Significant Deterioration;
 - Repeal provisions pertaining to the control of volatile organic compounds in Pulaski County (Chapter 10, excepting definitions and provisions related to 19.1005(C), *Cutback Asphalt*, which have been retained);
 - Repeal provisions pertaining to the Clean Air Interstate Rule (*CAIR*, Chapter 14, entire), which is no longer in effect;

- Revise Rule 19, Chapter 15 *Regional Haze*, to remove informational language related to Subject-to-BART sources and BART-eligible sources and to remove emission limits that were disapproved by EPA (EPA-approved requirements pertaining to Planning Period 1 of the Regional Haze program are retained);
- Move the effective date from Chapter 16 to Chapter 18 to keep the effective date as the last provision in the rule;
- Include non-substantive changes to update style and usage, and corrections of grammatical and typographic errors;
- Remove arbitrary dates in Rule 19 (July 1, 1997; February 15, 1999; July 27, 2012; September 12, 1986) that do not relate to federal or state regulatory provisions, as these have no real effect on the provisions, and cause confusion for stakeholders and EPA;
- Replace the term “Department” with “Division” throughout; and
- Replace the term “regulation” with “rule” throughout when referring to APC&EC rules.

The SIP TSD provides a demonstration that the amendments to SIP-approved provisions in Rule 19 would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA. Therefore, the changes included in this submittal are approvable by EPA into the Arkansas SIP.

III. Legal Authority to Implement the Plan

The State’s legal authority to adopt and implement state plans can be found in Ark. Code Ann. § 8-1-203(b)(1), § 8-4-311(a), and § 8-4-317. The revisions to Rule 19 included in this SIP revision are effective as of May 6, 2022.