ARKANSAS
ENERGY & ENVIRONMENT

MEETING SUMMARY

Division of Environmental Quality, Office of Air Quality

DETAILS

Date: June 8, 2020

Location: DEQ Headquarters

Call-in Details: N/A

Subject: Phase I Rule 26 Strawman Draft

Attendees:

Stakeholders: Mark Allison, Stuart Spencer, Ben Holden, Stan Chivers, Chuck Buttry, Akemi Bauer, Courtney Garland, Ann Faitz, Ava Roberts.

DEQ: Pete Alberg, Thomas Rheaume, Tricia Treece, Kelly Jobe, Erika Droke

AGENDA

I. Introduction

- Phase I Overview
- Future Phases

Discussion: DEQ introduced a tentative rulemaking schedule and phased plan for revision of air quality rules. Phase I revisions will include recent State legislative provisions, general streamlining/clean-up and those changes discussed and recommended by the EASE Regulatory Workgroup in 2019. Feedback on the Phase I strawman drafts are due April 6, 2020. Petitioning the Commission to initiate rulemaking for Phase I is tentatively planned for Fall 2020. Phase II revisions will include recommendations from resumed monthly Workgroup meetings beginning in Late Spring/Early Summer 2020.

II. Roundtable Discussion

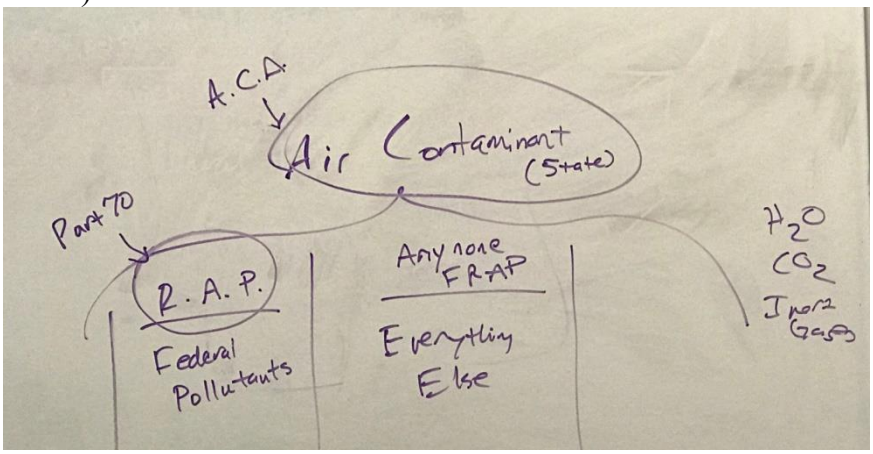
- Phase I Strawman Draft of Rule 26
  - General impressions
  - Suggested changes
- **Deadline for feedback, Rules 18, 19, & 26: April 6, 2020**

Discussion:

- Mimic federal definitions for revised definitions
- Defined terms – would like terms in the regulatory text to be bold, italic, otherwise visually set apart
- "Rule" for state/APC&EC provisions, "Regulations" for federal/CFR language; apply also to Rules 18 & 19
- "section," "subsection," or more general references ok to use when referring to Rule 26 provisions rather than specific references which may change later. [e.g., "This

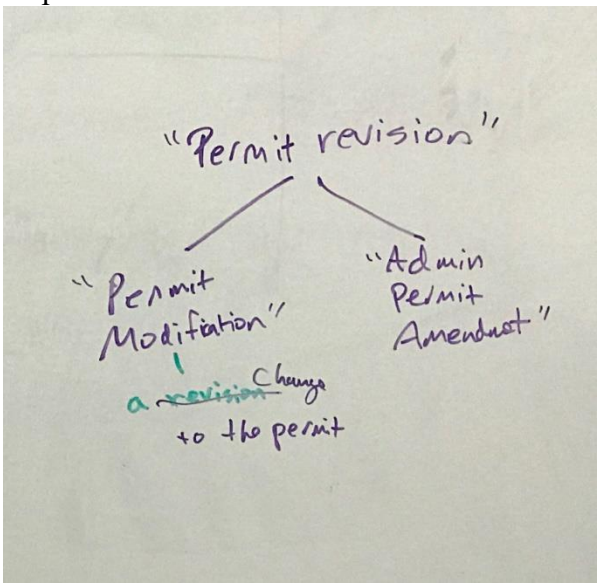
section" rather than "26.901(A)(1)"]

- Create discussion aid to identify which definitions from federal law and which crafted by DEQ? Suggest a chart for Chapter 2 to show sourcing where not included in Part 70 comparison doc.
- One suggested creating footnotes or parenthetical notation with source(s) of definition.
- Remove numbered citations to specific Rule provisions, more generic "as defined in Chapter 9" instead of "26.903." (Administrative permit amendment)
- 26.302(D): GHG Tailoring Rule artifact? Remove, if possible.
- "Air contaminant" vs. "air pollutant"
    - Use "contaminant" throughout? (defined term in AR Water/Air Pollution Control Act)
    - Could use just 2 terms: "Recognized air pollutant" for Part 70/federal pollutants; "Air contaminant" for big umbrella/state/ACA (see diagram below)



- "Major source"
    - Owner/Operator in RCRA is significant
        - Personification fix may not appropriate under certain circumstances.
        - Where used in Part 70, keep it as "Part 70 source."
        - Owner/operator may need a definition in Rule 19
        - Maybe replace the owner or operator of with the permittee (or applicant)
        - Use "or responsible official," "the permittee," or "the applicant" instead of "owner/operator"
    - Under (A)(1), "such" circles back to a subset of the listed HAPs.
        - Use "those" instead (to avoid pulling in pollutants not a part of the subset)
        - Check for nuances of removing "such" throughout the strawman Rule
- "Part 70 Source"
    - Stationary source, emissions unit – permits use "source #143" which is actually an emissions unit at a stationary source. Applies to SN143 or whole facility? (inconsistency with Rule and permit language)
    - Owner/Operator issue here, also (see above for details)
    - Recommended that in the short-term an explanation of emission unit/source number be discussed in permitting guidance

- "Permit modification" and "Permit revision"
    - A permit modification is any revision to a Part 70 permit that cannot be accomplished under Chapter 9 of Rule 26.
    - "Revision" vs. "change" – "change" is preferable, to avoid confusion because "permit revision" is a defined term
    - Circular language in definitions needs to be fixed: "permit revision…permit amendment…revision…modification…revision…" Use of "change" might help



- "PM10" – Remove definition; unnecessary
- "Recognized air pollutant emissions"
    - Where is "recognized" from? Research the source
    - If 26.305 is removed, can also remove this definition
- "Title I modification" - modification under Rule 19 is a Title I mod.
    - Except "*de minimis"*changes in Rule 19
    - "*de minimis*" not defined/recognized by EPA for HAPs
    - Clarity in the Permitting FAQ would be a good idea
    - May need rule address in Phase II

III. Next Steps

- Discussion of future phases for EASE regulatory streamlining process
    - Timing
    - Topic priorities
        - Rule consolidation
        - PSD
        - Public notice
        - Minor NSR
        - Stage I Vapor Recovery
        - Etc.
- Next Workgroup meeting on March 4 to discuss Phase I Strawman Draft of Rule 19

Discussion: The Workgroup will continue reviewing strawman drafts and provide feedback to DEQ by April 6. The next meeting is scheduled March 4, from 10-12, to discuss Rule 19 strawman. The group will decide priority of topics for Phase II at a later time.