

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

Arkansas State Implementation Plan Revision Narrative

Arkansas Integrated Regulation Project

Public Review Draft

Month Year

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I. Introduction

A. Arkansas State Implementation Plan Revision

The Arkansas Department of Environmental Quality (ADEQ or “the Department”) has included revisions to Arkansas’s State Implementation Plan (SIP) set forth in 40 C.F.R. 52, Subpart E. These revisions are necessary to incorporate changes made as a result of a regulatory streamlining effort undertaken by the Department to combine provisions from Arkansas Pollution Control and Ecology Commission (APC&EC or “Commission”) Regulation Nos. 18, 19, 26, and 31 into a single regulation: APC&EC Regulation No. 35. The goals of this streamlining effort were to improve the consistency and clarity of APC&EC air regulations, to consolidate similar provisions, to remove or update outdated provisions, to ensure consistency with State and federal law, to maintain separation of state-enforceable and federally enforceable provisions, and to streamline future rulemaking efforts.

ON DATE, ADEQ filed a regulatory package with the APC&EC that made both substantive and non-substantive changes to previously SIP-approved provisions. Non-substantive revisions were made to simplify regulatory language, improve flow with similar requirements grouped together, consolidate definitions and clarify their applicability to different program areas, and provide clarification to previously ambiguous requirements. Substantive revisions made to the SIP include removal or updating of outdated provisions and revisions made for consistency with State statute and/or federal requirements.

Section II of this SIP revision provides an overview of the process ADEQ engaged in to streamline APC&EC regulations. Section III of this SIP revision provides an index of changes that identifies the previous location of provisions in Regulation Nos. 19, 26, and 31 approved by the Environmental Protection Agency (EPA) into the Arkansas SIP, the location of each provision in Regulation No. 35, the rationale for any changes made to the provision, and whether the provisions were retained without substantive revisions, retained with substantive revisions, not retained, or added. Section IV provides additional supporting information regarding substantive changes demonstrating that the changes do not interfere with any applicable requirement concerning attainment and reasonable further progress as required by Clean Air Act (CAA) §110(i). Section IV also demonstrates that, with the revisions included in this SIP submission, Arkansas satisfies requirements for the revised ozone national ambient air quality standard (NAAQS) promulgated on October 26, 2015 (80 FR 65292).

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B. Arkansas SIP and State Plan Components Included in this Revision

The following provisions of APC&EC Regulation No. 35, Arkansas Air Quality Regulation, are included in this SIP revision:

- Chapter 1 – Title and Purpose
 - Reg. 35.101
 - Reg. 35.102
 - Reg. 35.103(A), B)(C)(D),(F), (G), and (H)
 - Reg. 35.104
- Chapter 2 – Definitions
- Chapter 6 – Visible Emissions Limitations
 - Reg. 35.601(A), (B), (C),(E),(F)
- Chapter 7 – Upset and Emergency Conditions
 - Reg. 35.701
 - Reg. 35.702
- Chapter 8 – Protection of Ambient Air Quality Standards
 - Reg. 35.801
 - Reg. 35.802
 - Reg. 35.803
 - Reg. 35.804
- Chapter 9 – General Emissions Limitations Applicable to Equipment
 - Reg. 35.901
 - Reg. 35.902
 - Reg. 35.903
 - Reg. 35.904
- Chapter 11 – Stage I Vapor Recovery
 - Reg. 35.1101
 - Reg. 35.1102
 - Reg. 35.1103
 - Reg. 35.1104
 - Reg. 35.1105
 - Reg. 35.1106
 - Reg. 35.1107
 - Reg. 35.1108
 - Reg. 35.1109
 - Reg. 35.1110
 - Reg. 35.1111
 - Reg. 35.1112

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- Chapter 12 – Confidentiality
 - Reg. 35.1201
- Chapter 13 – Sampling, Monitoring, and Reporting Requirements
 - Reg. 35.1301(A)
 - Reg. 35.1302
 - Reg. 35.1303
 - Reg. 35.1304
 - Reg. 35.1305
 - Reg. 35.1306
- Chapter 14 – Permits
 - Reg. 35.1401(A)
 - Reg. 35.1402(G) and (H)
 - Reg. 35.1403
 - Reg. 35.1404
 - Reg. 35.1405(A)(1) and (2)
 - Reg. 35.1405(B) and (C)
 - Reg. 35.1406(A)(1),(2), (3), (4), and (5)
 - Reg. 35.1406(B)(1)(b),(c), and (d)
 - Reg. 35.1405(B)(2), (3), and (4)
 - Reg. 35.1406(C)
 - Reg. 35.1407
 - Reg. 35.1408
 - Reg. 35.1409
 - Reg. 35.1410
 - Reg. 35.1411
 - Reg. 35.1412
 - Reg. 35.1413
 - Reg. 35.1414
 - Reg. 35.1415
- Chapter 15 – Prevention of Significant Deterioration
 - Reg. 35.1501
 - Reg. 35.1502
 - Reg. 35.1503
- Chapter 16 – Requirements for a Part 70 Permit, Applicability
 - Reg. 35.1601
 - Reg. 35.1602
- Chapter 17 – Applications for Part 70 Permits
 - Reg. 35.1701
 - Reg. 35.1702

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- Reg. 35.1707
- Reg. 35.1709
- Reg. 35.1710
- Chapter 18 – Action on Part 70 Permit Applications
 - Reg. 35.1801(A), (C), and (D)
 - Reg. 35.1802
- Chapter 19 – Part 70 Permit Review by the Public, Affected States, and EPA
 - Reg. 35.1901
 - Reg. 35.1902(A) and (D)
 - Reg. 35.1903
 - Reg. 35.1904
- Chapter 26 – Nonattainment Area Pre-construction Review
 - Reg. 35.2601
 - Reg. 35.2602
 - Reg. 35.2603
 - Reg. 35.2604
 - Reg. 35.2605
 - Reg. 35.2606
 - Reg. 35.2607
 - Reg. 35.2608
 - Reg. 35.2609
- Chapter 27 – Nonattainment Area Applicability Tests
 - Reg. 35.2701
 - Reg. 35.2702
 - Reg. 35.2703
 - Reg. 35.2704
 - Reg. 35.2705
 - Reg. 35.2706
 - Reg. 35.2707
 - Reg. 35.2708
 - Reg. 35.2709
 - Reg. 35.2710
 - Reg. 35.2711
- Chapter 28 – Nonattainment Actuals Plantwide Applicability Limits
 - Reg. 35.2801
 - Reg. 35.2802
 - Reg. 35.2803
 - Reg. 35.2804
 - Reg. 35.2805

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- Reg. 35.2806
- Reg. 35.2807
- Reg. 35.2808
- Reg. 35.2809
- Reg. 35.2810
- Reg. 35.2811
- Reg. 35.2812
- Reg. 35.2813
- Reg. 35.2814
- Reg. 35.2815
- Chapter 29 – Other Provisions
- Chapter 30 – Effective Date and Transition
- Appendix A
- Appendix B

The following provisions in APC&EC Regulation No. 35, Arkansas Air Quality Regulation, are included in this revision to Arkansas's 111(d) State Plans:

- Chapter 10 – 111(d) Designated Facilities
 - Reg. 35.1001
 - Reg. 35.1002
 - Reg. 35.1003

ADEQ requests that EPA replace the corresponding EPA-approved regulations in the Arkansas SIP and 111(d) state plans with those listed above. The corresponding provisions and information regarding any changes to the language included in the provision are provided in Section III of this SIP revision. Unless otherwise noted, the changes are ministerial in nature.

The provisions listed above incorporate previously approved SIP revisions contained in APC&EC Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control; Regulation No. 26, Regulations of the Arkansas Operating Permit Program; and Regulation No. 31, Nonattainment New Source Review Requirements with the exception of the following provisions, which ADEQ requests be withdrawn from the applicable SIP or 111(d) State Plan:

- Regulation No. 19 provisions to be withdrawn:
 - Reg. 19.803 Sulfuric Acid Plants (H₂SO₄ Mist)
 - Reg. 19.901 – Title
 - Reg. 19.904(G)(5)
 - Chapter 10 – Regulations for the Control of Volatile Organic Compounds in Pulaski County

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- Chapter 11 – Major Source Permitting Procedures
- Chapter 14 – CAIR NO_x Ozone Season Trading Program General Provisions
- Chapter 15 – Regional Haze
 - Reg. 19.1501
 - Reg. 19.1502
 - Reg. 19.1503
 - Reg. 19.1504
 - Reg. 19.1505(D)(3)
 - Reg. 19.1506
- Regulation No. 31 provisions to be withdrawn:
 - Reg. 31.305(B)
 - Reg. 31.816 Transition Requirements

ADEQ is proposing this SIP revision in parallel to the rulemaking process for adoption of APC&EC Regulation No. 35 and repeal of Regulation Nos. 19, 26, and 31. ADEQ filed with the Commission a petition to initiate a rulemaking on **Month Day, Year**. The Commission initiated the rulemaking on **Month Day, Year**. The public hearing for APC&EC Regulation Nos. 19, 26, 31, and 35 and this SIP revision will be held on **Month Day, Year**, and the 45-day public comment period for both rulemaking and the SIP proposal will expire on **Month Day, Year**. After consideration of public comments, ADEQ will finalize a responsive summary addressing all comments received and prepare final revisions to APC&EC Regulation No. 35 and the SIP. ADEQ will present regulatory packets to the Joint Public Health, Welfare, and Labor Committee of the Arkansas Legislature and the Arkansas Legislative Council Administrative Rules and Regulations Subcommittee prior to adoption of Regulation No. 35 and repeal of Regulation Nos. 19, 26, and 31 by the Commission. After these committees have reviewed and approved the proposed revisions to the regulations, the Department will submit and file the revised and final regulations with the Commission for final adoption. Following the Commission's approval, Regulation No. 35 will be filed with the Arkansas Secretary of State, and revisions outlined herein are fully effective ten days after filing.

The changes incorporated into APC&EC Regulation No. 35 are consistent with and allowable under federal programs.

II. Background

In 2013, ADEQ began contemplating a regulatory streamlining effort to consolidate APC&EC Regulation Nos. 18, 19, 26, and 31 into a single comprehensive and concise regulation. These regulations, particularly Regulation Nos. 18 and 19, contained a considerable overlap of provisions and terms. However, the language contained within overlapping provisions was

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updated at different frequencies based on programmatic needs to meet State and/or federal requirements. As a result, inconsistencies among the regulations arose. In addition, if changes were necessary to overlapping regulatory provisions in multiple regulations, initiation of a rulemaking docket was required for each regulation. This created inefficiencies in the rulemaking process. In addition, the regulations accumulated outdated, stayed, and reserved provisions. The regulatory streamlining effort is intended to facilitate use and understanding of APC&EC regulatory requirements by the regulated community and streamline the process for future rulemakings.

ADEQ worked with the Central States Air Resource Association (CENSARA) to develop a streamlining pilot project to consolidate the regulations. Working with ADEQ, CENSARA solicited proposals for contractors to draft regulatory language and assist in developing supporting documentation related to rulemaking and SIP development. Eastern Research Group, Inc. (ERG) was the contractor selected to perform this work. ERG developed a work plan to establish procedures for consolidating APC&EC Regulations Nos. 18, 19, 26, and 31. This work plan included review of the regulations and supporting documentation to identify why the regulations are in their current form, redundant or similar requirements, and other states' approaches to regulatory consolidation. In consultation with ADEQ, ERG reviewed historical regulatory documentation, conducted a side-by-side comparison of the regulations, performed word-for-word comparison of similar chapters, provided recommendations for addressing important differences, and developed a preliminary structure and strawman draft of the consolidated regulation. ERG completed their work on the streamlining project in August of 2017.

ADEQ utilized the structure and strawman draft created by ERG and incorporated additional changes to improve consistency and clarity, remove or update outdated provisions, incorporate changes in federal requirements, and resolve inconsistencies between the regulatory provisions and existing law. These additional changes were the result of consultation among representatives of the various program areas of ADEQ's Office of Air Quality.

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III. Index of Changes and Regulatory Crosswalk

Table 1 below is a guide to changes made to SIP-approved provisions made during consolidation of Regulations 18, 19, 26, and 31. The table identifies the previous location and current location of each provision, information about the rationale for each change, and whether the provisions were retained without substantive revisions, retained with substantive revisions, not retained, or added. Further support for substantive changes is provided in Section IV.

Table 1 Index of Changes to SIP Provisions

Regulatory Streamlining: Consolidation of APC&EC Regulation Nos. 18, 19, 26, and 31 into Proposed APC&EC Regulation No. 35			
Regulation No. 35 General Revisions			
Previous Citation	New Citation	Comments	Disposition
Regulation Nos. 19, 26, and 31	Regulation No. 35 Arkansas Air Quality Regulation	<ol style="list-style-type: none"> 1) Removed all reserved chapters and sections 2) Replaced undefined acronyms with unabbreviated text 3) Updated terminology to establish consistency throughout the regulation 4) Corrected spelling, grammar, and punctuation 5) Revised language to enhance clarity 	Retained without substantive revisions
Regulation No. 19, Chapter 10: Regulations for the Control of Volatile Organic Compounds in Pulaski County	None	Not retained: Regulation No. 19, Chapter 10 was originally approved by EPA in 1980 after Pulaski County was designated nonattainment for ozone. Subsequent monitoring in 1980 through 1982 showed that Pulaski County had re-attained the NAAQS and the area was redesignated as attainment. Due to continued ozone attainment and evidence that anthropogenic VOC emissions do not contribute significantly to ozone development in central Arkansas, the VOC control requirements of Regulation No. 19, Chapter 10 are no longer necessary. Technical information supporting the repeal of	Not retained

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		these requirements can be found in Section IV of this SIP and Appendix A.	
Regulation No. 19, Chapter 11: Major Source Permitting Procedures	None	Not retained: The referenced regulatory provisions from Regulation No. 26 are included in the consolidated regulation. Therefore, it is unnecessary to include Regulation 19, Chapter 11, which incorporates certain Regulation 26 provisions by reference.	Not retained
Regulation No. 19, Chapter 14: CAIR NO _x Ozone Season Trading Program General Provisions	None	Not retained: Regulation 19, Chapter 14 sets forth the Clean Air Interstate Rule (CAIR) NO _x Ozone Season Trading Program General Provisions. EPA replaced CAIR with the Cross-State Air Pollution Rule (CSAPR) on August 8, 2011. (76 FR 48208). CSAPR took effect on January 1, 2015. Therefore, CAIR is no longer in effect, and it is no longer necessary to retain provisions related to that program. Additional information supporting the repeal of these requirements can be found in Section IV of this SIP.	Not retained
Regulation No. 35, Chapter 1 Title and Purpose			
Previous Citation	New Citation	Comments	Disposition
Reg. 18.101 Title, Reg. 19.101 Title, Reg. 26.101 Title, Reg. 31.101 Title	Reg. 35.101 Title	Merged sections with minor typographical, stylistic, or other non-substantive language clarification and added new title "Arkansas Air Quality Regulation."	Retained without substantive revisions
Reg. 19.102	Reg. 35.102	Merged sections with minor typographical, stylistic, or other	Retained without

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Applicability, Reg. 31.102 Applicability	Applicability	non-substantive language clarification.	substantive revisions
Reg. 19.103 Intent and Construction, Reg. 26.102 Purpose	Reg. 35.103 Intent and Construction	Merged sections with minor typographical, stylistic, or other non-substantive language clarification. Added language in Reg. 35.103(B) to explain that Regulation 35 is promulgated, in part, to consolidate and streamline regulations formerly contain in Regulation Nos. 18, 19, 26, and 31. Reg. 35.103(E) is not part of the SIP.	Retained without substantive revisions
Reg. 18.104 Severability Reg. 19.104 Severability, Reg. 26.103 Severability, Reg. 31.103 Severability	Reg. 35.104 Severability	Merged severability sections with minor typographical, stylistic, or other non-substantive language clarification. Removed rescission clause for certain greenhouse gases (GHG) provisions formerly contain in Reg. 19. 104. The rescission clause stayed certain portions of Arkansas GHG permitting requirements when the court vacated Step 2 of the GHG Tailoring Rule. Because those stayed requirements have not been retained in Regulation No. 35, the rescission clause is no longer necessary.	Retained with substantive revisions

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Regulation No. 35, Chapter 2 Definitions			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 19, Chapter 2: Definitions, Regulation No. 26, Chapter 2: Definitions, Regulation No. 31, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	<ol style="list-style-type: none"> 1) Combined definitions with minor revisions 2) Replaced term “Commission” with “Arkansas Pollution Control and Ecology Commission” 3) Replaced term “Federal Clean Air Act” with “Clean Air Act” (definition retained with minor revisions) 4) Removed definition for “reviewing authority” (This term was replaced with “Department” throughout Regulation No. 35) 	Retained without substantive revisions
Regulation No. 31, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	Revised definition of “Baseline actual emissions” to remove the language “except that the ten year period shall not include any period earlier than November 15, 1990.” Because 1990 was more than ten years ago, this phrase is now meaningless.	Retained without substantive revisions
Regulation No. 19, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	Replaced term “12-month period” with “twelve-month period” (definition retained)	Retained without substantive revisions
Regulation No. 19, Chapter 2: Definitions Regulation No. 26, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	Combined Regulation No. 26 definition for “regulated air pollutant” with Regulation No. 19 definition for “federally-regulated air pollutant” with minor revisions	Retained without substantive revisions
Regulation No. 19, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	Combined definitions for “NAAQS state implementation plan” and “Plan” into new “state implementation plan” definition from 2/26/16 rulemaking	Retained without substantive revisions
Regulation No. 26, Chapter 2: Definitions, Regulation No. 31,	Regulation No. 35, Chapter 2: Definitions	Renamed terms for major source as “Part 70 major source,” “Prevention of significant deterioration major source,” and “nonattainment new source review major source,” as appropriate, in order to avoid confusion	Retained without substantive revisions

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Chapter 2: Definitions			
Regulation No. 31, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	<ol style="list-style-type: none"> 1) Renamed term “regulated NSR pollutant” as “nonattainment new source review pollutant” (definition retained) 2) Corrected a typographical error in the definition for “major modification” (paragraph C.5.a) 3) Changed “Commence” to “Commence Construction” 	Retained without substantive revisions
none	Regulation No. 35, Chapter 2: Definitions	Added a definition for “business days” and changed instances of “working days” to “business days” throughout	Added
Regulation No. 26, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	Combined the definition of “Draft permit” and “Proposed permit” Replaced all uses of the term “proposed permit” with “draft permit”	Retained without substantive revisions
Reg. 19.904(G)(1) Reg. 19.904(G)(2)	Regulation No. 35, Chapter 2: Definitions	Added definitions for “GHG” and “CO ₂ e equivalent emissions” from Regulation No. 19, Chapter 9 (“Prevention of Significant Deterioration”) to Regulation No. 35, Chapter 2 (“Definitions”)	Retained without substantive revisions
Reg. 31.802(B) Reg. 31.802(E)	Regulation No. 35, Chapter 2: Definitions	Added definitions for “allowable emissions” and “plantwide applicability limitation” from Regulation No. 31 Chapter 8 (“Actual PALs”) to Regulation No. 35 Chapter 2 (“Definitions”)	Retained without substantive revisions
None	Regulation No. 35, Chapter 2: Definitions	Inserted new definitions for “Ark. Code Ann.,” “C.F.R.,” “FR,” “MACT,” “mandatory Federal Class I area,” “NESHAP,” “NSPS,” and “RACT”	Added
Regulation No. 19, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	<p>Updated definition of “national ambient air quality standard” to include 2015 ozone standard</p> <p>Information demonstrating satisfaction of CAA §110 infrastructure requirements is included in Section IV of this SIP.</p>	Retained with substantive revisions
Regulation No. 31,	Regulation No. 35,	Removed definition for “temporary clean coal technology	Retained with substantive

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Chapter 2: Definitions	Chapter 2: Definitions	demonstration project” Additional supporting information is included in Section IV of the SIP.	revisions
Regulation No. 31, Chapter 2: Definitions, Regulation No. 19, Chapter 2: Definitions	Regulation No. 35, Chapter 2: Definitions	“Routine” added in front of the word “replacement” in definitions of “Modification” and “Major Modification”. The purpose of this change is to correct a grammatical ambiguity as to whether the word “routine” modifies just “maintenance” or whether it is meant to modify “maintenance, repair, and replacement”	Retained without substantive revisions

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Regulation No. 35, Chapter 6 Visible Emissions Limitations			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 18 Chapter 5: Visible Emissions, Reg. 19.503 Visible Emission Regulations	Regulation No. 35, Chapter 6: Visible Emissions Limitations	(1) Named chapter “Visible Emissions Limitations” (2) Merged Regulation No. 18, Chapter 5 with Reg. 19.503 with minor revisions (3) These revisions change the scope of equipment subject to the provisions originally located in Regulation No. 18, Chapter 5. As a practical matter, no change in requirements would occur because such equipment would also be subject to Reg. 19.503. (4) Included exemptions from Regulation No. 18. Reg. 35.601(D) is not included in the SIP	Retained with substantive revisions

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Regulation No. 35, Chapter 7 Upset and Emergency Conditions			
Previous Citation	New Citation	Comments	Disposition
Reg. 18.1101 Upsets, Reg. 19.601 Upset Conditions	Reg. 35.701 Upset Conditions	Both Regulation No. 18 and 19 provisions address upset conditions with only minor differences. The Reg. 19.601 version of the upset provision was retained in Reg. 35.701 because Reg. 19.601 was more recently updated, contains largely the same information, and the language is SIP-approved.	Retained without substantive revisions
Reg. 18.1105 Emergency Conditions, Reg. 19.602 Emergency Conditions	Reg. 35.702 Emergency Conditions	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions

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Regulation No. 35, Chapter 8 Protection of the Ambient Air Quality Standards			
Previous Citation	New Citation	Comments	Disposition
Reg. 18.1301 Authority Regulation No. 19, Chapter 3 Protection of the National Ambient Air Quality Standards	Reg. 35.801 Purpose, Reg. 35.802 <u>Department</u> <u>Responsibilities to</u> <u>Prevent National</u> <u>Ambient Air</u> <u>Quality Standards</u> <u>Exceedances,</u> Reg. 35.803 <u>Regulated Sources</u> <u>Responsibilities to</u> <u>Prevent National</u> <u>Ambient Air</u> <u>Quality Standards</u> <u>Exceedances</u> <u>Regulated Sources</u> <u>Responsibilities to</u> <u>Prevent National</u> <u>Ambient Air</u> <u>Quality Standards</u> <u>Exceedances,</u> Reg. 35.804 <u>Delegated Federal</u> <u>Programs</u>	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions

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Regulation No. 35, Chapter 9, General Limitations Applicable to Equipment			
Previous Citation	New Citation	Comments	Disposition
Reg. 19.501 Purpose, Reg. 19.502 General Regulations, Reg. 19.504 Stack Height/Dispersion Regulations, Reg. 19.505 Revised Emissions Limitations	Regulation No. 35 Chapter 9: General Emissions Limitations Applicable to Equipment	Retained with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 19.502 General Regulations	Reg. 35.902(D)	Amended to read “Any applicable emissions limitation or air quality standard promulgated by the Department in this Regulation”	Retained without substantive revisions
Reg. 19.505 Revised Emissions Limitations	Reg. 35.904(A)	Extraneous language removed. Revised to “The emission limitations and reporting procedures of this Chapter may be amended as described below:”	Retained without substantive revisions

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Regulation No. 35, Chapter 10 111(D) Designated Facilities			
Previous Citation	New Citation	Comments	Disposition
Reg. 19.801 Purpose, Reg. 19.802 Permit Emissions Limitations	Reg. 35.1001 Purpose, Reg. 35.1002 Permit Emissions Limitations	Retained with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 19.803 Sulfuric Acid Plants	None	Removed: Reg. 19.803 emission limitations and compliance testing requirements for El Dorado Chemical Company, which has been reconstructed and is no longer subject to 111(d), was removed. Additional supporting information is included in Section IV of the SIP.	Not retained
Reg. 19.804(A)	Reg. 35.1003(A)	(1) Retained with minor typographical, stylistic, or other non-substantive language clarification (2) International Paper Pine Bluff changed to Evergreen Packaging. Delta National Kraft changed to Mondi, Pine Bluff. Georgia Pacific Corporation of Ashdown changed to Domtar A.W. Potlatch Corporation of McGehee changed to Clearwater Paper Corporation Additional supporting information is included in Section IV of the SIP.	Retained without substantive revisions
Reg. 19.804(B)	Reg. 35.1003(B)	Revised testing frequency from annual to every 5 years Additional supporting information is included in Section IV of the SIP.	Retained with substantive revisions

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Reg. 19.804 (C)	Reg. 35.1003(C)	<p>(1) TRS Emission limits for IP Camden, a facility that has permanently shut down, were not retained.</p> <p>(2) Names of facilities updated to reflect changes in ownership as described above for 35.1003(A)</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
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Regulation No. 35, Chapter 11 Stage I Vapor Recovery			
Previous Citation	New Citation	Comments	Disposition
Reg. 19.1301 Purpose, Reg. 19.1302 Applicability, Reg. 19.1305 Prohibited Activities, Reg. 19.1307 Inspections, Reg. 19.1312 Effective Date	Reg. 35.1101 Purpose, Reg. 35.1102 Applicability, Reg. 35.1105 Prohibited Activities, Reg. 35.1107 Inspection, Reg. 35.1112 Effective Date, respectively	Retained with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 19.1303(B)	Reg. 35.1103(E)	Replaced term “delivery vessel” with “gasoline delivery vessel” (definition retained) for consistency with NESHAP CCCCCC	Retained without substantive revisions
Reg. 19.1303(O)	Reg. 35.1103(P)	Removed requirements for submerged fill pipe for tanks that do not have a vapor recovery adaptor: The capacity exemption for storage tanks in Reg. 19.1304(B) was revised such that tanks with capacities between 250 and 550 gallons could no longer claim an exemption if they have a submerged fill pipe. Therefore, the submerged fill pipe specifications located at Reg. 19.1303(O)(1) for tanks without a stage I vapor recovery adaptor (exempt tanks) was no longer applicable. Additional supporting information is included in Section IV of the SIP.	Retained with substantive revisions
Reg. 19.1303(P)	Reg. 35.1103(Q)	Changed definition of “Throughput” for consistency with NESHAP CCCCCC	Retained with substantive revisions
Reg. 19.1303	Reg. 35.1103	For consistency with NESHAP CCCCCC requirements:	Retained with substantive

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Definitions	Definitions	<ol style="list-style-type: none"> 1) Inserted definition for “control of a corporation” 2) Removed definition for “gasoline service station” 3) Revised definition for “independent small business marketer” 4) Inserted definition for “refiner” 5) Revised definition for “vapor tight” <p>Additional supporting information is included in Section IV of the SIP.</p>	revisions
Reg. 19.1304 Exemptions	Reg. 35.1104 Exemptions	<ol style="list-style-type: none"> (1) Revised Reg. 19.1304 exemptions to address conflicts between this provision and NESHAP CCCCCC requirements (2) Added procedures for claiming an exemption <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
Reg. 19.1306 Record Keeping	Reg. 35.1106 Recordkeeping	<ol style="list-style-type: none"> (1) Revised Reg. 19.1306 record keeping requirements for clarity; (2) Changed requirement to record monthly totals of “gasoline sold” to “gasoline throughput” for consistency with NESHAP CCCCCC <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
Reg. 19.1308 Vapor Recovery Systems	Reg. 35.1108 Vapor Recovery Systems	<p>Revised Reg. 19.1308(B) and (E) provisions to require that vapor recovery adaptors and vent lines be properly maintained</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
Reg. 19.1309 Gasoline Delivery Vessels	Reg. 35.1109 Gasoline Delivery Vessels	<ol style="list-style-type: none"> (1) Revised Reg. 19.1309(C) provision to clarify test method and require documentation of testing (2) All instances of “H₂O” changed to “water” 	Retained with substantive revisions

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		Additional supporting information is included in Section IV of the SIP.	
Reg. 19.1310 Owner/Operator Responsibility	Reg. 35.1110 Owner or Operator Responsibility	<p>(1) Did not retain Reg. 19.1310(B) provision because it is substantively redundant with 19.1310(A), which was retained with revisions as Reg. 35.1110(A).</p> <p>(2) Added a requirement that the owner/operator submit results from the compliance tests already required under Reg. 19.1310 (C) and Reg. 19.1311</p> <p>(3) Added a requirement for the owner/operator to notify the Department if they have to retest pursuant to provisions that were contained in Reg. 35.1110 how the notification must be submitted. Additionally, a provision allowing a request for extension on retesting was added to provide flexibility.</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
Reg. 19.1311 Test Methods	Reg. 35.1111 Test Methods	<p>(1) Clarification regarding leak detection testing method and removal of inapplicable gasoline combustion testing methodology</p> <p>(2) Clarification of testing time frames</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions

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Reg. 19.1312(B)	Reg. 35.1112(B)	Inserted “three (3) or more facilities” between “with” and “sales” to clarify when the provision applies Additional supporting information is included in Section IV of the SIP.	Retained with substantive revisions
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Regulation No. 35, Chapter 12 Confidentiality			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 18. Chapter 14 Public Information and Confidentiality, Reg. 19.413 Confidentiality	Regulation No. 35, Chapter 12 Confidentiality of Trade Secrets	Provisions regarding “trade secrets” were merged and revised to eliminate inconsistencies across APC&EC regulations Additional supporting information is included in Section IV of the SIP.	Retained with substantive revisions

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Regulation 35 Chapter 13 Sampling, Monitoring, and Reporting Requirements			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 18, Chapter 10: Sampling, Monitoring and Reporting Requirements, Regulation No. 19, Chapter 7: Sampling, Monitoring and Reporting Requirements	Regulation No. 35, Chapter 13: Sampling, Monitoring and Reporting Requirements	Merged sections with minor typographical, stylistic, or other non-substantive language clarification Reg. 35.1301(B) is not included in the SIP.	Retained without substantive revisions
Reg. 19.704(B)	Reg. 35.1304(B)	Replaced “the equipment” with “a piece of equipment”	Retained without substantive revisions

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Regulation 35 Chapter 14 Permits			
Previous Citation	New Citation	Comments	Disposition
Reg. 18.301 Applicability, Reg. 19.401 General Applicability	Reg. 35.1401(A)	(1) Merged sections with minor typographical, stylistic, or other non-substantive language clarification (2) Applicability specific to Reg. 18.301 that differed from Reg. 19.401 provisions split into Reg. 35.1401(B) and (C), which are not included in the SIP	Retained without substantive revisions
Reg. 19.402 Registration	Reg. 35.1402(G)– (H)	Retained with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 18.302, Reg. 19.402	Reg. 35.1403(A)– (B)	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 18.304 Required Information, Reg. 19.404 Required Information	Reg. 35.1405 Required Information	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 18.305 Action on Application, Reg. 19.405 Action on Application	Reg. 35.1406 Action on Application	Merged sections with minor typographical, stylistic, or other non-substantive language clarification Reg. 35.1406(A)(6) and (7) and Reg. 35.1406(B)(1)(a) is not included in the SIP	Retained without substantive revisions
Reg. 18.306 Public Participation, Reg. 19.406 Action on Application	Reg. 35.1407 Public Participation	(1) Merged sections with minor typographical, stylistic, or other non-substantive language clarification (2) Language regarding public availability replaced with appropriate reference to Regulation No. 8	Retained without substantive revisions
Reg. 18.307 Permit Amendments, Reg. 19.407 Permit Amendments	Reg. 35.1408 Permit Amendments	(1) Merged sections with minor typographical, stylistic, or other non-substantive language clarification (2) Removed “as expeditiously” previously contained in Reg. 19.407(A)(2). This will allow a permit to be revised to	Retained with substantive revisions

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		<p>incorporate the administrative amendment at the next renewal or modification.</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	
Reg. 19.407(C)(6), Reg. 18.302(C)(5)	Reg. 35.1408(C)(6)	<p>Changed “[t]he applicant may implement <i>De Minimis</i> changes immediately upon approval by the Department” to “[t]he applicant may implement <i>De Minimis</i> changes immediately upon receipt of written notification by the Department.”</p> <p>Did not retain provision at Reg. 19.407(C)(7). The first sentence is, in part, redundant with portions of Reg. 19.407(A)(2) that have been retained. The second sentence in Reg. 19.407(C)(7) is redundant with Reg.19.407(C)(6). This change also allows the Department to incorporate De Minimis changes at the next permit modification.</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
Reg. 18.308 Exemption from Permitting, Reg. 19.408 Exemption from Permitting	None	<p>Not retained: Reg. 19.408(A) and Reg. 18.308(A) are inconsistent with current Title V requirements. Reg. 19.408(B) and Reg. 18.308(B) are outdated and unnecessary because no currently operating source would qualify for an exemption from permitting under (B). Reg. 18.308 (C) and (D) provide cross-references to Reg. 19 and Reg. 26 that are no longer needed in the merged regulation</p>	Not retained
Reg. 18.309 Permit Revocation and Cancellation,	Reg. 35.1409 Permit Revocation and Cancellation	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions

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Reg. 19.410 Permit Revocation and Cancellation			
Reg. 18.310 General Permits, Reg. 19.411 General Permits	Reg. 35.1410 General Permits	(1) Merged sections with minor typographical, stylistic, or other non-substantive language clarification (2) Replaced application procedure language for general permits with appropriate reference to Regulation No. 8	Retained without substantive revisions
Reg. 18.311 Transition, Reg. 19.409 Transition	Reg. 35.1411 Transition	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 18.312 Operational Flexibility- Applicant's Duty to Apply for Alternative Scenarios, Reg. 19.414 Operational Flexibility- Applicant's Duty to Apply for Alternative Scenarios	Reg. 35.1412 <u>Operational Flexibility Applicant's Duty to Apply for Alternative Scenarios</u>	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 18.313 Changes Resulting in No Emissions Increases, Reg. 19.415 <u>Changes Resulting in No Emissions</u>	Reg. 35.1413 <u>Changes Resulting in No Emissions Increases</u>	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions

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<u>Increases</u>			
Reg. 18.314 Permit Flexibility, Reg. 19.416 Permit Flexibility	Reg. 35.1414 Permit Flexibility	Merged sections with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 19.412 Dispersion Modeling	Reg. 35.1415 Dispersion Modeling	Retained with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions

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Regulation No. 35, Chapter 15 Prevention of Significant Deterioration			
Previous Citation	New Citation	Comments	Disposition
Reg. 19.901 Title	None	Removed unnecessary title section	Not retained
Reg. 19.902 Purposes	Reg. 35.1501 Purposes	Retained with minor typographical, stylistic, or other non-substantive language clarification	Retained without substantive revisions
Reg. 19.903 Definitions	Reg. 35.1502 Air Emissions Sampling	(1) Replaced term “regulated NSR pollutant” with “PSD new source review pollutant” (definition retained with minor revisions to ensure PSD requirements for HAPs that are a constituent or precursor for criteria pollutants are updated when APC&EC adopts a revised national ambient air quality standard in Chapter 2)	Retained without substantive changes
Reg. 19.904 Adoption of Regulations	Reg. 35.1503 Adoption of Regulations	Moved “GHG” definition and “CO ₂ equivalent emissions” definition in Reg. 19.904(G)(1) to Chapter 2 of Regulation No. 35	Retained without substantive revisions
Reg. 19.904 Adoption of Regulations	Reg. 35.1503 Adoption of Regulations	Removed Reg. 19.904(G)(5) due to vacatur of GHG Tailoring Rule [This provision is currently stayed.] Additional supporting information is included in Section IV of the SIP.	Retained with substantive revisions

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Regulation No. 35, Chapter 16 Requirements for a Part 70 Permit, Applicability			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 26, Chapter 3: Requirement for a Permit, Applicability	Reg. 35.1601 Requirement for a Part 70 Permit	(1) Retained with minor typographical, stylistic, or other non-substantive language clarification (2) Title changed to “Requirements for a Part 70 Permit, Applicability”	Retained without substantive revisions

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Regulation 35, Chapter 17 Applications for Part 70 Permits			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 26, Chapter 4: Applications for Permits	Reg. 35 Chapter 17: Applications for Part 70	(1) Retained with minor typographical, stylistic, or other non-substantive language clarification (2) Title changed to “Applications for a Part 70 Permit”	Retained without substantive revisions

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Regulation 35, Chapter 18 Action on Part 70 Applications			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 26, Chapter 5: Action on Applications	Reg. 35 Chapter 18: Action on Part 70 Permit Applications	(1) Retained with minor typographical, stylistic, or other non-substantive language clarification (2) Title changed to “Action on a Part 70 Permit”	Retained without substantive changes

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Regulation 35, Chapter 19 PART 70 Permit Review by the Public, Affected States, and EPA			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 26, Chapter 6: Permit Review by the Public, Affected States, and EPA	Regulation No. 35 Chapter 19: Permit Review by the Public, Affected States, and EPA	<p>(1) Retained with minor typographical, stylistic, or other non-substantive language clarification</p> <p>(2) Public notice requirements from Reg. 26.602(A) replaced with appropriate reference to Reg. 8</p> <p>(3) Part 70 promulgation dates from Reg. 26.603(B) not retained as the dates are not needed as the Department’s recordkeeping requirements are subject to Part 70, regardless of the iteration.</p> <p>(4) Did not retain the last sentence in Reg. 26.604(B) as the specific iteration of Part 70 is not required to preserve the Department’s discretion to accept or reject recommendations by affected States.</p>	Retained without substantive revisions

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Regulation 35 Chapter 26 Nonattainment Pre-construction Review			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 31, Chapter 3: Preconstruction Review	Regulation No. 35, Chapter 26: Nonattainment Area Pre-construction Review	<p>(1) Retained with minor typographical, stylistic, or other non-substantive language clarification</p> <p>(2) Did not retain Reg. 31.305(B) because the current Targeted Economic Development Zone Emissions limitations are no longer in effect would not be applicable if Crittenden County were to go into nonattainment again. If that occurred, a new demonstration with new limits would have to be approved by EPA</p> <p>(3) Chapter title renamed to “Nonattainment Area Pre-construction Review” to clarify that it is applicable to nonattainment areas</p>	Retained with substantive revisions

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Regulation 35 Chapter 27 Nonattainment Area Applicability Tests			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 31, Chapter 4: Applicability Tests	Regulation No. 35, Chapter 27: Nonattainment Area Applicability Tests	(1) Retained with minor typographical, stylistic, or other non-substantive language clarification (2) Chapter title renamed to “Nonattainment Area Applicability Test” to clarify that it is applicable to nonattainment areas	Retained without substantive revisions

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Regulation 35 Chapter 28 Nonattainment Actuals Plantwide Applicability Limits			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 31, Chapter 8	Regulation No. 35, Chapter 28	<p>(1) Retained with minor typographical, stylistic, or other non-substantive language clarification</p> <p>(2) Chapter title renamed to “Nonattainment Actuals Plantwide Applicability Limits” to clarify that it is applicable to nonattainment areas</p> <p>(3) Did not retain Reg. 31.816 provision because transition requirements applied to first initiation of this provision in Regulation No. 31. Transition requirements no longer apply</p> <p>Additional supporting information is included in Section IV of the SIP.</p>	Retained with substantive revisions
Regulation 35 Chapter 29 Other Provisions			

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Previous Citation	New Citation	Comments	Disposition
Reg. 19.1501	None	Provision is unnecessary because it contains no approved enforceable requirements	Not Retained
Reg. 19.1502	None	Provision is unnecessary because it contains no approved enforceable requirements.	Not Retained
Reg. 19.1503	None	Provision is unnecessary because it contains no approved enforceable requirements.	Not Retained
Reg. 19.1504	None	Provision was disapproved by EPA	Not Retained
Reg. 19.1505	Reg.35.2901	Requirements disapproved by EPA are not retained. SIP-approved particulate matter emission limits for Entergy and SWEPCO units are being retained in a restructured format with no substantive change to requirements	Substantively revised
Reg. 19.1506	None	Unnecessary, approved limits and compliance mechanisms are already included in the respective Title V permits	Not retained
Reg. 19.1507	None	Unnecessary, approved limits are already included in the respective Title V permits	Not retained

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Regulation 35 Chapter 30 Effective Date and Transition			
Previous Citation	New Citation	Comments	Disposition
Regulation No. 18, Chapter 15, Regulation No. 19, Chapter 16, Regulation No 26, Chapter 13, Regulation No. 31, Chapter 9,	Regulation No. 35, Chapter 29	Retained with minor typographical, stylistic, or other non-substantive language clarification Added repealer language for Regulation Nos. 18, 19, 26, and 31, and transition language.	Retained with substantive revisions

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Tables 2, 3, and 4 below show the previous locations in Arkansas Regulations No. 19, 26 and 31 of all SIP-approved provisions along with the new locations in Regulation 35.

Table 2 Regulation No. 19 Regulatory Crosswalk

Previous Citation	New Citation	Title/Subject
Reg. 19.101	Reg. 35.101	Title
Reg. 19.102	Reg. 35.102	Applicability
Reg. 19.103	Reg. 35.103	Intent and Construction
Reg. 19.104	Reg. 35.104	Severability
Regulation No. 19, Chapter 2	Regulation No. 35, Chapter 2	Definitions
Reg. 19.301	Reg. 35.801	Purpose
Reg. 19.302	Reg. 35.802	Department Responsibilities to Prevent National Ambient Air Quality Standards Exceedances
Reg. 19.303	Reg. 35.803	Regulated Sources Responsibilities to Prevent National Ambient Air Quality Standards Exceedances
Reg. 19.304	Reg. 35.804	Delegated Federal Programs
Reg. 19.401	Reg. 35.1401	Applicability
Reg. 19.402	Reg. 35.1403	Permit Approval Criteria
Reg. 19.403	Reg. 35.1404	Owner's or Operator's Responsibilities
Reg. 19.404	Reg. 35.1405	Required Information
Reg. 19.405	Reg. 35.1406	Action on Application
Reg. 19.406	Reg. 35.1407	Public Participation
Reg. 19.407	Reg. 35.1408	Permit Amendments
Reg. 19.408	None	
Reg. 19.409	Reg. 35.1411	Transition
Reg. 19.410	Reg. 35.1409	Permit Revocation and Cancellation
Reg. 19.411	Reg. 35.1410	General Permits

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Reg. 19.412	Reg. 35.1415	Dispersion Modeling
Reg. 19.413	Reg. 35.1201	Confidentiality of Trade Secrets
Reg. 19.501	Reg. 35.901	Purpose
Reg. 19.502	Reg. 35.902	General Regulations
Reg. 19.503	Reg. 35.601	Visible Emissions Limitations
Reg. 19.504	Reg. 35.903	Stack Height/Dispersion Regulations
Reg. 19.505	Reg. 35.904	Revised Emissions Limitations
Reg. 19.601	Reg. 35.701	Upset Conditions
Reg. 19.602	Reg. 35.702	Emergency Conditions
Reg. 19.701	Reg. 35.1301	Purpose
Reg. 19.702	Reg. 35.1302	Air Emissions Sampling
Reg. 19.703	Reg. 35.1303	Continuous Emissions Monitoring
Reg. 19.704	Reg. 35.1304	Notice of Completion
Reg. 19.705	Reg. 35.1305	Recordkeeping and Reporting Requirements
Reg. 19.706	Reg. 35.1306	Public Availability of Emissions Data
Reg. 19.901	None	
Reg. 19.902	Reg. 35.1501	Purposes
Reg. 19.903	Reg. 35.1502	Definitions
Reg. 19.904	Reg. 35.1503	Adoption of Regulations
Regulation No. 19, Chapter 10	None	
Reg. 19 Chapter 11	None	
Reg. 19.1301	Reg. 35.1101	Purpose
Reg. 19.1302	Reg. 35.1102	Applicability
Reg. 19.1303	Reg. 35.1103	Definitions
Reg. 19.1304	Reg. 35.1104	Exemptions
Reg. 19.1305	Reg. 35.1105	Prohibited Activities
Reg. 19.1306	Reg. 35.1106	Recordkeeping
Reg. 19.1307	Reg. 35.1107	Inspection
Reg. 19.1308	Reg. 35.1108	Vapor Recovery Systems

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Reg. 19.1309	Reg. 35.1109	Gasoline Delivery Vessels
Reg. 19.1310	Reg. 35.1110	Owner or Operator Responsibility
Reg. 19.1311	Reg. 35.1111	Test Methods
Reg. 19.1312	Reg. 35.1112	Effective Date
Regulation No. 19, Chapter 14	None	
Reg. 19.1501	None	Purpose
Reg. 19.1502	None	Definitions
Reg. 19.1503	None	BART Eligible Sources
Reg. 19.1504	None	Facilities Subject-to-BART
Reg. 19.1505(A)(3), (E)(3), (F)(3), (H)(3), (I)(3), and (L)(2)	Reg. 35.2901	BART Requirements
Reg. 19.1506	None	Compliance Provisions
Reg. 19.1507	None	Permit Reopening
Regulation No 19, Appendix A	Regulation No. 35, Appendix A	Significant Activities List
Regulation No. 19, Appendix B	Regulation No. 35, Appendix B	National Ambient Air Quality Standards List

Table 3 Regulation No. 26 Regulatory Crosswalk

Reg. 26.301	Reg. 35.1601	Requirement for a Part 70 Permit
Reg. 26.302	Reg. 35.1602	Sources Subject to Permitting
Reg. 26.401	Reg. 35.1701	Duty to Apply
Reg. 26.402	Reg. 35.1702	Standard Application Form and Required Information
Reg. 26.407	Reg. 35.1707	Complete Application
Reg. 26.409	Reg. 35.1709	Applicant's Duty to Supplement or Correct Application
Reg. 26.410	Reg. 35.1710	Certification by Responsible Official

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Reg. 26.501	Reg. 35.1801	Action of Part 70 Permit Applications
Reg. 26.502	Reg. 35.1802	Final Action on Part 70 Permit Application
Reg. 26.601	Reg. 35.1901	Applicability
Reg. 26.602	Reg. 35.1902	Public Participation
Reg. 26.603	Reg. 35.1903	Transmission of Part 70 Permit Information to the Administrator
Reg. 26.604	Reg. 35.1904	Review of Draft Permit by Affected States

Table 4 Regulation No. 31 Regulatory Crosswalk

Reg. 31.101	Regulation 35, Chapter 1	Title and Purpose
Reg. 31.102		
Reg. 31.103		
Regulation No. 31, Chapter 2	Regulation No. 35, Chapter 2	Definitions
Reg. 31.301	Reg. 35.2601	Requirement for a Permit
Reg. 31.302	Reg. 35.2602	Required Information
Reg. 31.303	Reg. 35.2603	Approval Criteria
Reg. 31.304	Reg. 35.2604	Offsets
Reg. 31.305	Reg. 35.2605	Zones Targeted for Economic Development
Reg. 31.306	Reg. 35.2606	Control Technology Information
Reg. 31.307	Reg. 35.2607	Approval to Construct
Reg. 31.308	Reg. 35.2608	Applicability to Attainment or Unclassifiable Areas
Reg. 31.309	Reg. 35.2609	Applicability to Other Regulations
Reg. 31.401	Reg. 35.2701	Actual to Projected Actual Applicability Test
Reg. 31.402	Reg. 35.2702	Actual to Potential Test
Reg. 31.403	none	
Reg. 31.404	none	
Reg. 31.405	Reg. 35.2703	Emission Baseline Credits
Reg. 31.406	Reg. 35.2704	Relaxation of Limits
Reg. 31.407	Reg. 35.2705	Modifications to Existing Units
Reg. 31.408	Reg. 35.2706	Public Availability of Information

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Reg. 31.409	Reg. 35.2707	Applicability to Nitrogen Oxides
Reg. 31.410	Reg. 35.2708	Offset Requirements
Reg. 31.411	Reg. 35.2709	PM ₁₀ Precursors
Reg. 31.801	Reg. 35.2801	Applicability
Reg. 31.802	Reg. 35.2802	Definitions
Reg. 31.803	Reg. 35.2803	Permit Application Requirements
Reg. 31.804	Reg. 35.2804	General Requirements for Establishing Actuals Plantwide Applicability Limitations
Reg. 31.805	Reg. 35.2805	Public Participation for Actuals Plantwide Applicability Limitation
Reg. 31.806	Reg. 35.2806	Setting the Ten (10) Year Actuals Plantwide Applicability Limitation Level
Reg. 31.807	Reg. 35.2807	Contents of the Plantwide Applicability Limitation Permit
Reg. 31.808	Reg. 35.2808	Reopening of the Plantwide Applicability Limitation Permit
Reg. 31.809	Reg. 35.2809	Plantwide Applicability Limitation Effective Period
Reg. 31.810	Reg. 35.2810	Expiration of an Actuals Plantwide Applicability Limitation
Reg. 31.811	Reg. 35.2811	Renewal of an Actuals Plantwide Applicability Limitation
Reg. 31.812	Reg. 35.2812	Increasing an Actuals Plantwide Applicability Limitation during the Plantwide Applicability Limitation Effective Period
Reg. 31.813	Reg. 35.2813	Monitoring Requirements for Actuals Plantwide Applicability Limitations
Reg. 31.814	Reg. 35.2814	Recordkeeping Requirements
Reg. 31.815	Reg. 35.2815	Reporting and Notification Requirements
Reg. 31.816	none	
Reg. 31.901	Reg. 35.3001	Effective Date

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IV. Substantive Changes to Previously Approved SIP/State Plan Provisions

A. Revisions to 111(d) State Plan Requirements

1. Sulfuric Acid Plants

ADEQ is proposing to withdraw Arkansas's Section 111(d) State Plan for Sulfuric Acid Plants. APC&EC is proposing to repeal provisions associated with this plan that are contained at Regulation No. 19.803 and is not proposing to incorporate these provisions into the consolidated Regulation No. 35, because the only facility to which these provisions applied—El Dorado Chemical (AFIN 70-00040)—reconstructed their sulfuric acid plant and is therefore no longer subject to CAA § 111(d) requirements.

On October 29, 2012, a permit modification was issued to allow El Dorado to repair and replace damaged process equipment associated with their sulfuric acid plant, sulfuric acid loading, sulfuric acid cooling tower, and molten sulfur storage tank that was damaged when a reactor at the direct strong nitric acid plant exploded. The reconstructed sulfuric acid plant became subject to 40 C.F.R. § 60, Subpart H—*Standards of Performance for Sulfuric Acid Plants*. The emissions limitation for discharge of sulfuric acid mist per ton of acid in this new source performance standard (0.075 kg acid mist per metric ton of acid [0.15 lb per ton]) is more stringent than the existing source performance standard contained at Reg. 19.803 (0.5 lb sulfuric acid mist/ton 100% acid). Because the source became subject to the new source performance standard, it is no longer subject to CAA § 111(d) requirements and the existing source performance standard contained at Reg. 19.803 is no longer necessary and will be repealed upon adoption of Regulation No. 35.

2. Kraft Pulp Mills

ADEQ is proposing to retain with revisions 111(d) State Plan requirements for Kraft Pulp Mills contained at Reg. 19.804 in the consolidated Regulation No. 35 at Reg. 35.1003(B). ADEQ requests that EPA withdraw Reg. 19.804 from the approved 111(d) State Plan for Kraft Pulp Mills and approve Reg. 35.1003 as a replacement for those provisions. Reg. 19.804 will be repealed upon adoption of Regulation No. 35.

Reg. 35.1003 contains revisions to the provisions contained at Reg. 19.804 with revisions to reflect a closure and name changes for certain subject facilities. IP Camden (52-00013) permanently shut down on January 5, 2001. Therefore, total reduced sulfur emission limits for this shut down facility are not being retained in the consolidated Regulation No. 35. The following facilities have name changes, but changes are not being made to emissions limitations:

- IP Pine Bluff is now Evergreen Packaging;
- Gaylord Container, Corp. is now Mondi Pine Bluff

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- GP Ashdown is now Domtar A. W.
- Potlach McGehee is now Clearwater Paper Corp.

ADEQ is proposing to retain with revisions compliance testing requirements for Kraft Pulp Mills contained at Reg. 19.804(B) in the consolidated Regulation No. 35 at Reg. 35.1003(B). The annual compliance testing requirement for Kraft Pulp Mills under Arkansas's 111d plan were more stringent than required under federal law and more stringent than required for new Kraft Pulp Mills under new source performance standards for Kraft Pulp Mills (40 CFR Part 60 Subpart BBa), which requires testing every five years. Therefore, compliance testing requirement frequency for Kraft Pulp Mills was changed from annual testing to once every five years in Reg. 35.1003(B).

ADEQ requests that EPA approve Reg. 35.1003 in place of Reg. 19.804 in Arkansas 111(d) State Plan for Kraft Pulp Mills.

B. Repeal of Regulation No. 19 Chapter 10: Regulations for the Control of Volatile Organic Compounds in Pulaski County

The "Regulations for the Control of Volatile Organic Compounds in Pulaski County" chapter contained at Regulation No. 19, Chapter 10. Regulation No. 19 will be repealed upon the adoption of Regulation No. 35, and these provisions were not retained in the new Regulation No. 35. Regulation No. 19, Chapter 10 "Regulations for the Control of Volatile Organic Compounds in Pulaski County" was approved into the SIP on January 29, 1980 (45 FR 06569).

A Federal Register action published March 3, 1978 (43 FR 08962) determined that Pulaski County, Arkansas did not meet the primary ambient ozone standard and was classified as nonattainment for ozone. Regulation No. 19, Chapter 10 was developed as part of the SIP to reduce ozone levels in Pulaski County. The Regulations were initially adopted by the Commission on March 23, 1979 and were conditionally approved by EPA on January 29, 1980. Pulaski County was redesignated to attainment status in 1984 (49 Fed. Reg. 37753, Sept. 26, 1984) and has remained in attainment of the ozone NAAQS despite increases in the stringency of the NAAQS over time.

Evidence suggests that VOC emissions are not the primary driver of ozone formation in Pulaski County. VOC emissions have increased in Pulaski County since 1984 while ozone levels have continued to decline. The majority (approximately sixty-one percent) of VOC emissions in Pulaski County are biogenic in nature and not controllable. Modeling by EPA and others demonstrates that in most parts of the United States, including all of Arkansas, that ozone formation is limited by NO_x concentrations rather than VOC concentrations. The ratio of ozone sensitivity to NO_x vs. VOC concentrations ranges from 4:1 to 5:1.

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Many federal regulations to control both NO_x and VOC emissions have been enacted since Pulaski County's redesignation to attainment status. These regulations serve to control VOC emissions from specific source categories and are at least as effective in reducing emissions in Pulaski County as the Pulaski County-specific VOC regulations. Based on these factors, repeal of the Pulaski County VOC regulations will not have a negative impact on ozone concentrations or maintenance of the ozone NAAQS in Pulaski County. Additional technical supporting information is provided in Appendix A.

C. Revisions to Stage I Vapor Recovery Requirements

APC&EC is proposing in the consolidated Regulation No. 35 several revisions to the stage I vapor recovery provisions contained at Regulation No. 19 Chapter 13. These revisions are to align requirements for stage I vapor recovery in areas designated as nonattainment for ozone in Arkansas with the "National Emission Standards for Hazardous Air Pollutants [NESHAP] for Source Category: Gasoline Dispensing Facilities" codified at 40 CFR 63 Subpart CCCCCC. These revisions also clarify requirements for proper maintenance of vapor recovery equipment, test methods and documentation, reporting requirements, and phase-in requirements for independent small business marketers. Requirements were added for owners to submit results from compliance tests and provisions for notification of the Department if the owner/operator has to retest.

ADEQ requests that EPA approve the revisions to Arkansas nonattainment area stage I vapor recovery requirements in Regulation No. 35 into the SIP in place of Regulation No. 19 Chapter 13. The revisions to the stage I vapor recovery chapter are clarifying in nature and align Arkansas stage I vapor recovery requirements with federal NESHAP CCCCCC requirements. The following changes to stage I vapor Recovery requirements were made to address conflicts or increase consistency with NESHAP CCCCCC:

- Changes to definitions:
 - Replaced term "delivery vessel" with "gasoline delivery vessel" (definition retained)
 - Changed the definitions for the following terms to be consistent with the definitions in NESHAP CCCCCC:
 - "Throughput"
 - "Independent small business marketer"
 - "Vapor tight"
 - Removed the definition of gasoline service station
 - Inserted definitions from NESHAP CCCCCC for "refiner" and "control of a corporation"
- Revised the exemption capacity for storage tanks from "not more than 550 gallons" to "not more than 250 gallons" to resolve a conflict between Arkansas stage I vapory

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recovery exemption capacities and the exemption capacity in NESHAP CCCCCC. Sources in nonattainment areas meeting the former storage tank capacity exemption might still be subject to the federal NESHAP CCCCCC. Aligning these exemptions is anticipated to reduce confusion among the regulated community.

- Exemption for facilities selling less than 10,000 gallons of gasoline per month revised to facilities with a monthly throughput of less than 10,000 gallons. NESHAP CCCCCC uses throughput rather than sales. Revising this exemption to be based on throughput provides consistency between Arkansas stage I vapor recovery exemptions and NESHAP CCCCCC exemptions.
- The applicability under prohibited activities was extended to include the operation of a gasoline dispensing facility consistent with NESHAP CCCCCC.

In addition, provisions were revised to provide clarity and to specify previously unspecified procedures for satisfying existing requirements in the stage I vapor recovery provisions.

Recordkeeping and notifications requirements were added to specify the procedure for claiming an exemption and documenting that the requirements for the exemption have been met. Records maintenance requirements were increased from two years to five years for consistency with ADEQ inspection procedures. The types of records regarding testing and maintenance of vapor recovery equipment was clarified.

A requirement for covering vapor recovery adaptors was extended to poppeted adaptors, in addition to unpoppeted adaptors. Keeping both poppeted and unpoppeted adaptors serves to keep valves and seals clean and working properly.

Revisions were made to clarify testing requirements for gasoline delivery vessels and for vapor recovery system equipment. Specifically, revisions were made to provisions for gasoline delivery vehicles to specify the test method (EPA Test Method 27) for determining that gasoline delivery vessels are sustaining a pressure change within the parameters required under stage I vapor recovery provisions for gasoline delivery vessels. The revision also requires that documentation of pressure test compliance be provided upon request. Revisions were also made to clarify leak testing requirements for vapor recovery systems by requiring testing in compliance with EPA Test Method 21 "Determination of Volatile Organic Compound Leaks." Method 21 is clearer in terms of procedures than what was previously outlined in Reg. 19.1311. No change in the efficacy of testing is anticipated from these revisions.

Revisions were made to specify procedures for the notification of testing, procedures for retesting, and procedures for notification of retesting, and a requirement to submit compliance test results to the Department. In addition, a provision was added to allow for a request for extension on retesting.

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ADEQ anticipates that these revisions to stage I vapor recovery provisions will result in greater understanding of requirements and facilitate compliance if and when an area of Arkansas goes back into nonattainment with the ozone NAAQS.

D. Revisions to Trade Secrets Provisions

APC&EC is proposing to merge multiple existing provisions pertaining to confidentiality protection afforded to trade secrets into a single provision. Specifically, APC&EC intends to merge APC&EC Reg. 19.413 Confidentiality and APC&EC Reg. 18.1402 Confidentiality into a single provision to be located at APC&EC Reg. 35.1201 and to be entitled “Confidentiality of Trade Secrets.” APC&EC Reg. 35.1201 has been written to make explicit certain requirements that were formerly included within a definition of “trade secrets,” which was in APC&EC Reg. 18.1402 and APC&EC Reg. 19.1413. In addition, all of the requirements for a trade secret are now presented in a single list of sequential paragraphs under subsection (A). These changes are intended to rectify inconsistencies between APC&EC Reg. 19.413 and APC&EC Reg. 18.1402. The changes proposed are not substantive and do not change the requirements for trade secrets protection.

E. Repeal of Regulation No. 19 Chapter 14: CAIR NO_x Ozone Season Trading Program General Provisions

APC&EC is proposing not to retain provisions pertaining to the CAIR NO_x Ozone Season Trading Program contained at Regulation No. 19 Chapter 14; therefore, ADEQ requests that Regulation No. 19 Chapter 14 be withdrawn from the EPA-approved SIP. These provisions are not currently enforced because EPA no longer administers CAIR.

On August 10, 2007, ADEQ submitted a SIP revision to meet CAIR NO_x ozone season requirements by requiring certain electric generating units (EGUs) to participate in the EPA-administered CAIR program. To demonstrate compliance with CAIR NO_x ozone season requirements, this SIP revision included for EPA approval provisions Reg. 19.1401–19.404 adopted by APC&EC into Regulation No. 19 on June 22, 2007. EPA approved this SIP revision on September 26, 2007.

On September 16, 2009, ADEQ submitted to EPA a SIP revision including amendments to Regulation No. 19 Chapter 14 adopted by APC&EC on December 5, 2008 and June 26, 2009. These amendments corrected typographical errors and incorporated changes made by EPA to CAIR on October 19, 2007. EPA approved this SIP revision on April 17, 2014.

On August 8, 2011, EPA promulgated the Cross-State Air Pollution Rule (CSAPR) federal implementation plan (FIP), which was intended to replace CAIR. However, CSAPR was stayed prior to implementation and later vacated by the U.S. Court of Appeals for the D.C. Circuit. On April 29, 2014, the Supreme Court reversed the D.C. Circuit’s decision vacating CSAPR. In

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response, EPA published a rule on December 3, 2014, in which the compliance deadlines with CSAPR were revised in response to the D.C. Circuit Court decision, and CAIR remained in effect until the CSAPR FIP became effective on January 1, 2015 (79 FR 71663).

Because CAIR is no longer in effect, the provisions in Regulation No. 19 Chapter 14 are being repealed and will not be retained in the consolidated Regulation No. 35. Interstate transport obligations for the 1997 and 2008 ozone NAAQS are satisfied by participation by Arkansas EGUs in the CSAPR FIP NO_x ozone season trading program.

F. Repeal Regulation No. 19 Chapter 15: Regional Haze

APC&EC is proposing to retain only those enforceable BART PM emission limitations for EGUs included in Reg. 19.1505 that were approved by EPA in the 2008 Arkansas Regional Haze SIP. APC&EC is proposing not to retain previously informational provisions contained in Reg. 19.1501–1503. Those provisions contain no enforceable requirements. APC&EC is also proposing not to retain Reg. 19.1504, which was disapproved by EPA. In addition, APC&EC is proposing not to retain Reg. 19.506–Reg. 19.507. These provisions are unnecessary because the SIP-approved PM emission limitations for EGUs have already been incorporated into the respective Title V permits for the subject facilities. ADEQ requests that EPA update the citations for those previously approved emission limitations and withdraw Reg. 19.1501–19.1503 and Reg. 19.1506–Reg. 19.1507 from the EPA-approved SIP.

G. Revisions to GHG Permitting Requirements

APC&EC is proposing not to retain certain stayed provisions in the consolidated Regulation No. 35 pertaining to GHG requirements contained in Regulation No. 19 and Regulation No. 26. APC&EC is also proposing revisions to certain other provisions to clarify that GHG permitting requirements only apply to so-called “anyway sources.”¹ The proposed changes align GHG permitting requirements with EPA’s amended Prevention of Significant Deterioration and Title V regulations related to Greenhouse Gases (80 FR 50199). ADEQ requests that EPA remove provisions in Regulation No. 19 and Regulation No. 26 that are not being retained in Regulation No. 35 from the SIP. ADEQ also requests that EPA approve the revised provisions retained in Regulation No. 35.

ADEQ proposes that language contained at Reg. 19.904(G)(5)(a) and (b), which is currently stayed, be withdrawn from the SIP. These provisions fulfilled requirements for “Step 2” of the Greenhouse Gases Tailoring Rule that were initially promulgated in 2010 and that the US Court

¹ “Anyway sources” are those sources that are subject to prevention of significant deterioration (PSD) permitting for a pollutant other than GHGs.

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of Appeals for the District of Columbia specifically identified as vacated on April 10, 2015.² These provisions will not be retained in Regulation No. 35.

APC&EC is proposing changes in Reg. 35.1408(C)(3) to provisions located at Reg. 19.407(C)(3) to clarify that increases of greenhouse gases alone do not trigger modification requirements. Instead, a proposed change is considered De Minimis even if a proposed change would cause an increase of 75,000 tons per year of carbon dioxide equivalents (CO₂e) if all emission increases of pollutants other than CO₂e otherwise qualify as De Minimis. ADEQ requests that EPA approve this clarifying change into the SIP.

AP&EC is also proposing changes in Reg. 35.1605 to provisions located at Reg. 26.305 to clarify that GHG emissions shall not be included in a Part 70 permit unless the Part 70 source undertakes a physical change or change in method of operation that will result in an emissions increase subject to regulation under the PSD provisions of Regulation No. 35 located at Reg. 35.1503(G)(3). In addition, the definition of “existing Part 70 source” is revised to exclude from the definition a facility that becomes a major source due to its GHG emissions as of July 1, 2011. ADEQ requests that EPA replace currently approved Reg. 26.305 with the revised provision located at Reg. 35.1605.

H. Revisions to Timing of Permit Revisions after Issuance of Administrative Amendments and De Minimis Changes and Clarification on Notification Allowing Implementation of De Minimis Changes

APC&EC is proposing to revise requirements for the timing of issuance of an updated permit to incorporate previously processed administrative amendments and De Minimis changes. Specifically, revisions were made to allow a full updated permit to incorporate an administrative amendment or De Minimis change at the next modification or when deemed most beneficial. This is achieved by two changes. The phrase “as expeditiously” in the provision located at Reg. 19.407(A)(2) is not retained in the provision incorporated into the consolidated Regulation No. 35. In addition, Reg. 19.407(C)(7) was not retained in the consolidated Regulation No. 35. This provision was largely redundant with Reg. 19.407(C)(6), but also required ADEQ to incorporate the De Minimis change into a permit as expeditiously as practicable. Administrative Amendments and De Minimis applications would still be reviewed upon receipt and acceptance letters issued, but the Department will not issue a completely revised permit at that time.

In addition, the revisions allow applicants to implement De Minimis changes immediately “upon receipt of written notification by the Department” in the consolidated Regulation No. 35 rather than “upon approval by the Department” as is stated in Reg. 19.407(C)(6). This change provides

² Amended Judgement, Coalition for Responsible Regulation v. EPA

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consistency for language with respect to implementation of De Minimis changes and implementation of minor modifications under the Title V program. This change also avoids the potential for confusion of approval of a change as De Minimis in a written letter with the more formal approval process for a permit revision.

I. Repeal of Transitional Period for Nonattainment Plant-wide Applicability Limitations

APC&EC is proposing not to retain in Regulation No. 35 the provision located at Reg. 31.816. Because Regulation No. 31, Chapter 8 was approved into the SIP, the transition period no longer applies. ADEQ requests that Reg. 31.816 be withdrawn from the SIP.

J. Removal of Provisions for Clean Coal Technology Demonstration Projects

Definitions and references definitions in Regulation No. 31 pertaining to the Department of Energy (DOE) Clean Coal Technology program were not retained in Regulation No. 35 because the DOE Clean Coal Technology program is inactive. No new projects have been selected since 1993. Specifically, the following definitions in SIP-approved Regulation No. 31 Chapter 2 were not retained and will be repealed with Regulation No. 31:

- “Clean coal technology demonstration project;”
- “Clean coal technology;” and
- “Temporary clean coal technology demonstration project.”

In addition, the term “nonattainment major modification” in Regulation No. 35 omits references to the installation, operation, cessation, or removal of a temporary clean coal technology demonstration project.”

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K. 2015 Ozone Standard

1. 2015 Ozone NAAQS Infrastructure SIP

The federally enforceable SIP for Arkansas is compiled in 40 C.F.R. Part 52 Subpart E § 52.170. This SIP revision includes changes to where these provisions are located in APC&EC regulations, minor non-substantive changes made to consolidate similar provisions, clarify language, and correct stylistic and typographical errors. The requirements of sections 110(a)(2)(A)–(M) of the CAA relevant to the 2015 ozone NAAQS are included in this SIP submittal. The following table summarizes where and how the requirements of sections 110(a)(2)(A)–(M) are addressed.

In this revision to the SIP, Arkansas demonstrates that it has adequate resources and authority to implement, maintain, and enforce the 2015 eight-hour ozone NAAQS.

Section 110(a)(2) Element	Summary of Element (Statutory Language)	Provisions in the Current SIP or Recent SIP Revision Submittals
110(a)(2)(A) Emission limits and other control measures	<i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements</i>	<ul style="list-style-type: none"> •Arkansas's enforceable emission limitations and other control measures are covered in Arkansas Water and Air Pollution Control Act, Arkansas Code Annotated (Ark. Code Ann.) § 8-4-101 <i>et. seq.</i>, and those provisions of the Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 35, submitted to EPA for codification at 40 C.F.R. § 52.170. •The regulations in APC&EC Regulation No. 35 will be duly adopted by APC&EC prior to finalization of this SIP. Unless otherwise noted, in Sections III and IV(A–J) of this SIP changes to previously approved SIP revisions are ministerial in nature. EPA-approved SIP revisions are codified at 40 C.F.R. Part 52, Subpart E. Arkansas has an EPA-approved air permitting program for both major and minor facilities, which ensures that all applicable requirements are included in the facility permit.

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	<i>of this Act;</i>	
110(a)(2)(B) Ambient air quality monitoring and data analysis system	<i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to- (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator;</i>	<ul style="list-style-type: none"> •APC&EC Reg. 35.802 grants ADEQ responsibility for ambient air monitoring and computer modeling of regulated air pollutant emissions. •Ark. Code Ann. § 8-4-311(a)(3) empowers ADEQ to encourage and conduct studies, investigations, and research relating to air pollution and its causes, prevention, control, and abatement. •Ark. Code Ann. § 8-4-311(a)(4) grants ADEQ the ability to collect and disseminate information relative to air pollution and its prevention and control. •In conjunction with the references above, Arkansas monitors air quality for ozone at appropriate locations throughout the state using EPA-approved methods and submits ozone data to the EPA’s Air Quality System (AQS) consistent with EPA regulations under 40 C.F.R. Part 58. •Ark. Code Ann. § 8-4-311(a)(2) gives ADEQ the ability to advise, consult, and cooperate with the federal government in furtherance of safeguarding the air resources of the state by controlling or abating air pollution and preventing new air pollution if it is in the interest of the public health and welfare of the people. See also Ark. Code Ann. § 8-4-301 and § 8-4-302. Under this authority, ADEQ submits annual monitoring network plans, consistent with EPA’s ambient air monitoring regulations, which describe how ADEQ has complied with monitoring requirements and explains proposed changes to the network, if any. •Ark. Code Ann. § 8-1-202 grants the ADEQ Director authority to retain the technical and legal expertise and assistance in the field of environmental protection.
110(a)(2)(C)	<i>include a program to</i>	•Ark. Code Ann. § 8-4-203(a)(1) authorizes ADEQ to issue, continue in effect,

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<p>Program to enforce control measures, regulate modification and construction of stationary sources and a permit program</p>	<p><i>provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i></p>	<p>revoke, modify, or deny permits to prevent, control, or abate pollution. Ark. Code Ann. § 8-4-311 (a)(1) empowers ADEQ to develop and effectuate a comprehensive program for the prevention and control of all sources of air pollution in the State of Arkansas.</p> <ul style="list-style-type: none"> •Chapter 14 of APC&EC Regulation No.35 describes the regulation and permitting of the operation, modification, and construction of minor stationary sources. •Chapter 15 of APC&EC Regulation No. 35 authorizes enforcement of regulations governing the prevention of significant deterioration (PSD) of air quality and regulations governing the protection of visibility in mandatory Federal Class I areas. •Ark. Code Ann. § 8-4-311(a)(10) empowers ADEQ to make, issue, modify, revoke, and enforce orders prohibiting, controlling, or abating air pollution and requiring the adoption of remedial measures to prevent, control, or abate air pollution. •Ark .Code Ann. § 8-4-311(a)(7) empowers ADEQ to administer and enforce all laws and regulations relating to pollution of the air. •ADEQ has a complete EPA-approved PSD permitting program in place covering the required elements for all regulated New Source Review (NSR) pollutants. No changes to the PSD program are necessary to implement the 2015 ozone NAAQS.
<p>110(a)(2)(D)(i) Interstate transport provisions</p>	<p><i>contain adequate provisions- (i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State</i></p>	<ul style="list-style-type: none"> •APC&EC Reg. 35.2603 states the following: “No permit shall be granted or modified under this Chapter unless [t]he owner/operator demonstrates to the reasonable satisfaction of ADEQ that the stationary source will be constructed or modified to operate without resulting in a violation of Chapters 26 through 28 of this regulation or without interfering with the attainment or maintenance of a national ambient air quality standard in the state where the proposed source (or modification) is located or in a neighboring state.” APC&EC Reg. 35.2603 is consistent with these

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	<p><i>from emitting any air pollutant in amounts which will- (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</i></p>	<p>requirements as it is an Arkansas promulgated regulation that applies to all stationary sources in Arkansas.</p> <ul style="list-style-type: none"> •All new major sources and major modifications are subject to a comprehensive EPA-approved PSD permitting program. Chapter 15 of APC&EC Regulation No. 35 authorizes enforcement of regulations governing the PSD of air quality and regulations governing the protection of visibility in mandatory Federal Class I areas. •Arkansas is currently subject to the Regional Haze Rule, which addresses visibility-impairing pollutants. SIPs addressing Regional Haze Rule requirements are not included with this submission. Arkansas’s PSD program is used to further protect visibility.
<p>110(a)(2)(D)(ii) Interstate and International pollution abatement</p>	<p><i>contain adequate provisions- (ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate</i></p>	<ul style="list-style-type: none"> •Ark. Code Ann. § 8-4-311(a)(8) authorizes ADEQ to represent the State in all matters pertaining to the plans, procedures, or negotiations for interstate compacts in relation to air pollution control. •Based on information gathered from ADEQ's permit database, ADEQ concludes that the limited amount of point and area source ozone emissions do not preclude the

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	<p><i>and international pollution abatement)</i></p>	<p>State from ensuring compliance with CAA § 126 and § 115. There are no final findings under § 115 of the CAA against Arkansas with respect to the 2015 ozone NAAQS.</p> <ul style="list-style-type: none"> •All new major sources and major modifications are subject to a comprehensive EPA-approved PSD permitting program. Chapter 15 of APC&EC Regulation No. 35 authorizes enforcement of regulations governing the PSD of air quality and regulations governing the protection of visibility in mandatory Federal Class I areas. •APC&EC Reg. 35.1502 describes the notification required when dealing with a major new source or major modification.
<p>110(a)(2)(E)(i) Adequate personnel, funding and authority to carry out plan, (ii) Comply with state boards, (iii) Oversee local and regional governments/agencies</p>	<p><i>provide (i) necessary assurances that the State (or, except were the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local government for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law</i></p>	<ul style="list-style-type: none"> •Ark. Code Ann. § 8-1-103(1)(A) grants ADEQ and APC&EC the authority to establish by regulation, reasonable fees for initial issuance, annual review, and modification of permits. •Under Ark. Code Ann. § 8-1-103(3) and § 8-1-103(5), ADEQ is authorized to collect the fees established by APC&EC and shall deny the issuance of an initial permit, a renewal permit, or a modification permit if and when a facility fails or refuses to pay the fees after reasonable notice. •Ark. Code Ann. § 8-1-202(b)(2)(D) states that duties of the Director of ADEQ include the day-to-day administration of all activities that ADEQ is empowered by law to perform, including, but not limited to, the employment and supervision of such technical, legal, and administrative staff, within approved appropriations, as is necessary to carry out the responsibilities vested with ADEQ. •APC&EC Regulation No. 9, Fee Regulation, Chapter 5, contains the air permit fees applicable to non-part 70 permits, part 70 permits, and general permits.

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	<p><i>to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128, (iii) necessary assurances that where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;</i></p>	<ul style="list-style-type: none"> •APC&EC Reg. 35.801 gives ADEQ the responsibility of meeting all applicable regulations and requirements contained in the CAA, as amended, if any area of the State is determined to be in violation of the NAAQS. •APC&EC Reg. 35.1409 gives ADEQ the authority to revoke, suspend, or modify any permit for cause. •The requirements of CAA §110(a)(2)(E)(ii) are not entirely applicable because permit and enforcement orders are issued directly by ADEQ, not approved by state boards or commissioners. •Under APC&EC Reg. 8.202, the Director or the Director’s delegate shall issue all permits with nothing in APC&EC Regulation No. 8 being construed to authorize APC&EC to issue a permit, including the power to reverse or affirm a permitting decision by the Director. •APC&EC Regulation No. 8, Chapter 4, highlights that APC&EC does not play a leading role in approving enforcement actions. •Under Ark. Code Ann. § 21-8-1001, no member of a state board or commission or board member of an entity receiving state funds shall participate in, vote on, influence or attempt to influence an official decision if the member has a pecuniary interest in the matter under consideration by the board, commission, or entity. In addition, no member of a state board or commission or board member of an entity receiving state funds shall participate in any discussion or vote on a rule or regulation that exclusively benefits the member. •Arkansas does not rely on local agencies for specific SIP implementation. The requirements of §110(a)(2)(E)(iii) are not applicable.
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<p>110(a)(2)(F) Stationary source emissions monitoring and reporting system</p>	<p><i>require, as may be prescribed by the Administrator-- (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public</i></p>	<ul style="list-style-type: none"> •Regulatory requirements pertaining to sampling, monitoring, and reporting are codified in APC&EC Regulation No. 35, Chapter 13. •APC&EC Reg. 35.1305 provides the record keeping and reporting requirements for stationary sources subject to APC&EC Regulation No. 35. APC&EC Reg. 35.1305 outlines how records of air emissions are to be maintained and how information and data should be submitted to ADEQ. •APC&EC Reg. 35.1302 provides guidelines and timelines for air emissions sampling necessary to enable Arkansas to determine whether the sources are in compliance. •Enforceable emission limitations and other control measures are covered in the Arkansas Water and Air Pollution Control Act and those provisions of Ark. Code Ann. §§ 8-4-310 and 8-4-311. Elements of the program for enforcement are found in the monitoring, recordkeeping, and reporting requirements for sources in these control measures as well as individual SIP permits. •APC&EC Reg. 35.1303 requires any stationary source subject to this regulation to install, calibrate, operate, and maintain equipment to continuously monitor or determine federally regulated air pollutant emissions in accordance with Federal specification and in accordance with any joint specifications outlined by ADEQ, with the concurrence of EPA. •APC&EC Reg. 35.1301 states that ADEQ will use any credible evidence based on sampling, monitoring, and reporting, to determine violations of applicable emissions limitations. •Under Ark. Code Ann. § 8-4-311(a)(2), ADEQ has the power to advise, consult, and cooperate with the federal government, including EPA Region 6 administrator.
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	<i>inspection;</i>	<p>Arkansas submits emission inventory data annually to EPA for inclusion in the National Emissions Inventory.</p> <ul style="list-style-type: none"> •APC&EC Reg. 35.1306 requires public availability of emissions data.
110(a)(2)(G) Authority to declare air pollution emergency and notify public	<i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i>	<ul style="list-style-type: none"> •Ark. Code Ann. § 8-1-202(b)(2)(C) empowers the Director of ADEQ to issue orders under circumstances that reasonably require emergency measures to be taken to protect the environment or the public health and safety. APC&EC Reg. 8.502 gives the Director the ability to issue an Emergency Order when necessary to meet an emergency or situation of imminent hazard. APC&EC Reg. 8.502 requires the Director to publish a Notice of Emergency Order in a newspaper covering the affected area, or in a newspaper of statewide circulation. The notice must contain a description of the action, ADEQ's authority for taking the action, and other information appropriate to ensure the public is informed about the action. •Ark. Code Ann. § 8-4-202(e)(1) empowers APC&EC to declare an emergency and implement emergency rules, regulations, suspensions, or moratoria on categories or types of permits if APC&EC determines that imminent peril to the public health, safety, or welfare requires immediate change in the rules or immediate suspension or moratorium on categories or types of permits. •APC&EC Reg. 8.807 authorizes APC&EC to waive or reduce the notice requirements in cases involving emergency rulemaking. No emergency rule shall be effective for more than one hundred eighty (180) days unless allowed by law.
110(a)(2)(H) Future SIP revisions	<i>provide for revision of such plan- (i) from time to time as may be necessary to take account of revisions of</i>	<ul style="list-style-type: none"> •APC&EC Regulation No. 35, Chapter 1, provides a clear delineation of those regulations that are promulgated by APC&EC in satisfaction of certain requirements of the CAA, including making ADEQ responsible for administering the attainment and maintenance of the NAAQS.

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	<p><i>such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;</i></p>	<ul style="list-style-type: none"> •Ark. Code Ann. § 8-4-311(a)(7) empowers ADEQ to administer and enforce all laws and regulations relating to pollution of the air. •Ark. Code Ann. § 8-4-202(d)(4)(A)(ii) authorizes APC&EC to refer to the Code of Federal Regulations for any APC&EC standard or regulation that is identical to a regulation promulgated by EPA. •Under APC&EC Regulation No. 35, Chapter 8, ADEQ is charged with the protection of the NAAQS. According to APC&EC Reg. 35.801, if any area of the State is determined to be in violation of the NAAQS, all applicable requirements contained in the CAA, as amended, and all regulations promulgated thereto shall be met by ADEQ.
<p>110(a)(2)(I) Nonattainment areas (interstate</p>	<p><i>in the case of a plan or plan revision for an area designated as a nonattainment area,</i></p>	<ul style="list-style-type: none"> •All Arkansas counties have been designated as attainment/unclassifiable for the 2015 ozone NAAQS (82 FR 54232). In addition, nonattainment area plans required under part D are on a different schedule from the section 110 infrastructure elements

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transport)	<i>meet the applicable requirements of part D (relating to nonattainment areas);</i>	
110(a)(2)(J) (§ 121 consultation), (§127 public notification), PSD and visibility protection	<i>meet the applicable requirements of section 121 (relating to consultation), meet the applicable requirements of section 127 (relating to public notification), meet the applicable requirements of part C (relating to prevention of significant deterioration of air quality and visibility protection);</i>	<ul style="list-style-type: none"> •Ark. Code Ann. § 8-4-301(b) prescribes a method of utilizing the program for the control of air pollution. Under Ark. Code Ann. § 8-4-301(b), the program shall be undertaken in a progressive manner, and each of its successive objectives shall be sought to be accomplished by a maximum of cooperation and conciliation among all the parties concerned. In addition, Ark. Code Ann. § 8-4-302 reiterates Ark. Code Ann. § 8-4-301(b) by affirming that the purpose is to safeguard the air resources of the State by controlling or abating air pollution that exists and preventing new air pollution under a program which shall be consistent with the declaration of policy stated in Ark. Code Ann. § 8-4-301 and with Ark. Code Ann. Title 8, Chapter, 4, Subchapter 3. •All SIP revisions in Arkansas undergo public notice and hearing, which provides for comment by the public. •Air quality data from Arkansas's monitoring network is published on ADEQ's website. Additionally, Arkansas is required to submit monitoring data to the Air Quality System in a timely manner. •Ark. Code Ann. § 8-4-311(a)(6) encourages voluntary cooperation by the people, municipalities, counties, industries, and others in preserving and restoring the purity of the air within the State. •The public is notified of concentrations that exceed the NAAQS from the ADEQ website (https://www.adeq.state.ar.us/techsvs/air_chem_lab/) that contains hourly concentrations taken from monitoring sites throughout the State and the Air Quality

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		<p>Index for the Little Rock and Springdale metropolitan areas. This index displays which sensitive groups are at greater risk from each pollutant.</p> <ul style="list-style-type: none">•These monitoring sites also upload data to EPA’s AirNow website, which provides data to a broader section of the public and includes links to help the public understand what they can do to keep their air clean.•Under APC&EC Regulation No. 35, Chapter 15, Arkansas has incorporated by reference the requirements in 40 C.F.R. Part 52 for PSD in their entirety, with the exception of 40 C.F.R. §§ 52.21(b)(2)(iii)(a), 52.21(b)(49), 52.21(b)(50), 52.21(b)(55-58), 52.21(i) and 52.21(cc). These provisions were approved by EPA as part of the SIP. These incorporated provisions also provide for protection of visibility in Federal Class I areas.•All new major sources and major modifications are subject to a comprehensive EPA-approved PSD permitting program, including GHG PSD permitting approved on April 2, 2013 (78 FR 19596) and PM_{2.5} PSD permitting approved on March 4, 2015 (80 FR 11573). Chapter 15 of APC&EC Regulation No. 35 authorizes enforcement of regulations governing the prevention of significant deterioration of air quality and regulations governing the protection of visibility in mandatory Federal Class I areas.•The visibility subelement of Element J is not being addressed because EPA stated in their September 13, 2013 “Guidance on Infrastructure State Implementation Plan (SIP Elements under CAA §§110(a)(1) and 110(a)(2)”³ that they believe that there are no newly applicable visibility protection obligations pursuant to Element J after the promulgation of a new or revised NAAQS.
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³ EPA Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2), September 13, 2013.

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<p>110(a)(2)(K) Air quality modeling/data</p>	<p><i>provide for- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<ul style="list-style-type: none"> •APC&EC Regulation No. 35, Chapter 8, outlines that ADEQ is responsible for ambient air monitoring and computer modeling of regulated air pollutant emissions in any area that can reasonably be expected to be in excess of the NAAQS and review of the ambient air impacts of any new or modified source of federally regulated air emission that is the subject of the requirements of this SIP. See APC&EC Reg. 35.802(A) and (B). Under APC&EC Reg. 35.802 (B), all computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the NAAQS. •ADEQ has the ability to submit data related to air quality modeling to the Administrator under Ark. Code Ann. § 8-4-311 (a)(2), which gives ADEQ the power to advise, consult, and cooperate with the federal government.
<p>110(a)(2)(L) Major Stationary source permitting fees</p>	<p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover- (i) the reasonable costs of</i></p>	<ul style="list-style-type: none"> •The fee requirements of APC&EC Regulation No. 35, Chapter 24, were approved by EPA as meeting the CAA requirements and were incorporated in Arkansas's SIP. Arkansas's Title V operating permit program was approved by EPA on October 9, 2001 (66 FR 51313). •ADEQ has the authority to adjust the fee as necessary using its rulemaking authority. APC&EC Regulation No. 9, Chapter 5, contains the air permit fees applicable to non-part 70 permits, part 70 permits, and general permits. Revisions to air permitting fee in Chapter 5 were approved by EPA on April 30, 2015 (80 FR

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	<p><i>reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V; and</i></p>	<p>24216).</p>
<p>110(a)(2)(M) Consultation/ Participation by affected local entities</p>	<p><i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p>	<p>•Pursuant to APC&EC Regulation No. 8, Arkansas will continue to provide for consultation and participation from those affected by the SIP. Under APC&EC Regulation No. 8, those organizations affected by the SIP will be able to participate in developing the SIP via comments and potential public hearings. ADEQ is the sole state-level enforcer and implementer of the SIP. See APC&EC Reg. 8.205 <i>Public Notice of Permit Application</i>; APC&EC Reg. 8.206 <i>Request for Public Hearing on</i></p>

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		<p><i>Application for Permit; APC&EC Reg. 8.207 Public Notice of Draft Permitting Decision; APC&EC Reg. 8.208 Public Comment on Draft Permitting Decision; APC&EC Reg. 8.209 Public Hearings; APC&EC Reg. 8.405 Public Notice of Notices of Violations and Consent Administrative Orders; APC&EC Reg. 8.801 Public Notice of Rulemaking.</i></p> <p>•ADEQ participates in the Central States Air Resources Agencies, which is an organization of states, tribes, federal agencies, and other interested parties concerned with air quality. The interactions and public participation on rule and plan development play a role in satisfying the requirements of § 110(a)(2)(M).</p>
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2. Ark. Code Ann. § 8-4-318 Analysis

Under Ark. Code Ann. § 8-4-318, ADEQ must develop a NAAQS state implementation plan (NAAQS SIP), which includes measures necessary for the attainment and maintenance of the NAAQS in each air quality control region (AQCR) or portion of an AQCR within the State. Ark. Code Ann. § 8-4-317(C)(i) requires a written explanation of (1) the rationale for the proposal demonstrating a reasoned consideration of factors set forth in Ark. Code Ann. § 8-4-312; (2) the need for each measure in attaining or maintaining the NAAQS; and (3) that any requirements or standards are based upon generally accepted scientific knowledge and engineering practices. For standards or requirements identical to an applicable federal regulation, Ark. Code Ann. § 8-4-317(b)(1)(C)(ii) states that the demonstration required under Ark. Code Ann. § 8-4-317(b)(1)(C)(i) may be satisfied by reference to the federal regulation.

The 2015 ozone NAAQS is proposed for inclusion in APC&EC Regulation No. 35. With the adoption of the 2015 Ozone NAAQS into APC&EC Regulation No. 35, ADEQ will have the authority to implement, maintain, and enforce this standard. Because this standard adopted is identical to the federal standard, the demonstration required under Ark. Code Ann. § 8-4-317(b)(1)(C)(i) is satisfied by reference to the applicable federal regulation: 80 FR 26592.

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APPENDIX A TECHNICAL SUPPORT DOCUMENT FOR REPEAL OF REGULATIONS FOR THE CONTROL OF VOLATILE ORGANIC COMPOUNDS IN PULASKI COUNTY

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