

AIR Project

Regulatory Streamlining and State
Implementation Plan Development



ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY

Air Integrated Regulation Streamlining Project Overview

- Goals
- Key Changes
- Process
- Next Steps

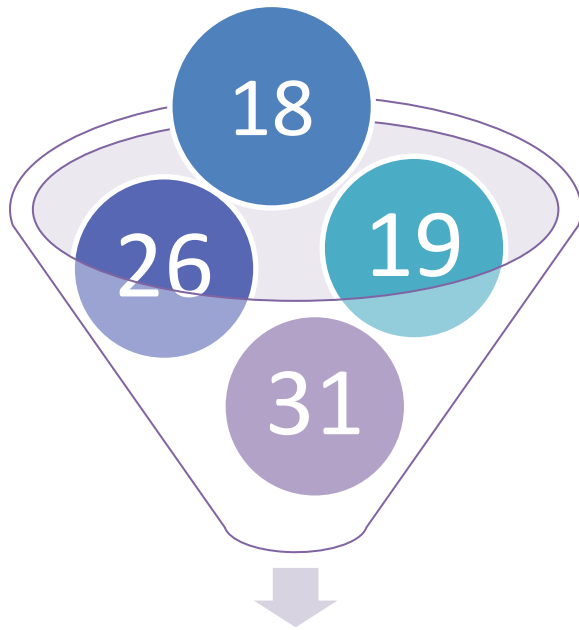
AIR
INTEGRATED
REGULATION



Goals



Consolidation



- Four APC&EC regulations combined into One
- Greater consistency
- Ease of use
- More efficient regulation
- Preserves separation of State-only and state implementation plan (SIP) requirements

Consistency and Clarity

“Actual emissions” [Reg. 31] means:

- (1) the actual rate of emissions of a regulated New Source Review (NSR) pollutant from an emissions unit, as determined in accordance with paragraphs (2) through (4) of this definition, except that this definition shall not apply for calculating whether a significant emissions increase has occurred, or for establishing a Plantwide Applicability Limitation (PAL) under Chapter 8 of this regulation. Instead, the definitions of “projected actual emissions” and “baseline actual emissions” shall apply for those purposes.
- (2) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24-month period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (3) The reviewing authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

“Actual emissions” [Reg. 18] means the quantity of air contaminants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.

“Actual emissions” [Reg. 19] means the quantity of federally regulated air pollutants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.

- Correct inconsistencies
- Simplify regulatory language
- Improve flow
- Consolidate similar terms, definitions, and provisions
- Clarify applicability

Minor Typographical Changes

- Reserved chapters removed
- Acronyms defined or replaced with unabbreviated text
- Terminology updated for consistency
- Corrections to spelling, grammar, and punctuation
- Language revised to enhance clarity



Remove or Update Outdated Provisions



- Remove references to programs no longer in existence
- Remove no longer applicable provisions
- Update facility names
- Remove vacated or stayed provisions

Resolve Inconsistencies with State Statutes



Commercial Medical Waste
Incinerator Permitting



Hydrogen Sulfide State Ambient Air
Quality Standard



Open Burning of Vegetative
Storm Debris

Revisions to SIP-Approved Provisions



Repeal of VOC regulations for Pulaski County



Repeal of Stayed/Duplicative Provisions



Revision of Stage I Vapor Recovery Requirements



Adoption of 2015 Ozone National Ambient Air Quality Standard



Repeal of State Clean Air Interstate Rule Provisions



Key Substantive Changes



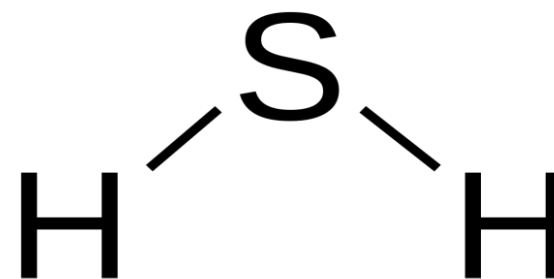
Commercial Medical Waste Incinerators

- To be added in AIR Streamlining Project
- Implements requirements of Ark. Code Ann. §§ 8-6-1301 *et seq.*
- Specifies requirements for commercial medical waste incinerator permits



Hydrogen Sulfide Ambient Air Quality Standard

- To be added in AIR Streamlining Project
- Implements requirements of Ark. Code Ann. § 8-3-102 and § 8-3-103
 - Standard
 - Methods of prediction
 - Compliance Plan
 - Control technology
 - Exemptions



Open Burning of Storm Debris

- To be added in AIR Streamlining Project
- Implements requirements of Ark. Code Ann. § 8-4-316
 - Pre-authorization
 - Notification
 - Requirements
 - Prohibitions



Pulaski County Volatile Organic Compound Regulations

- Adopted in 1979
- To be repealed in AIR Streamlining Project
 - Long-term ozone attainment
 - Evidence shows nitrogen oxides, not VOC controls ozone formation in County
 - VOC emissions primarily biogenic



Regional Haze Provisions

- Adopted in 2007 and largely disapproved by EPA in 2012
- Changes in AIR Streamlining Project
 - Repeal of disapproved provisions and provisions not containing enforceable requirements
 - Approved provisions to be retained in an “Other Provisions” chapter



Stage I Vapor Recovery

- Adopted in 2004
- Applies only in nonattainment areas for ozone (no current nonattainment areas in Arkansas)
- To be revised in AIR Streamlining Project
 - Addresses inconsistencies with NESHAP CCCCCC
 - Clarify testing, recordkeeping, and reporting requirements



Greenhouse Gas Permitting

- Adopted in 2012 to comply with GHG Tailoring Rule
- Part of GHG Tailoring Rule vacated
- Vacated requirements are stayed
- Changes in AIR Streamlining Project
 - Repeal of requirements for non-PSD Title V sources
 - Revisions to PSD permitting triggers



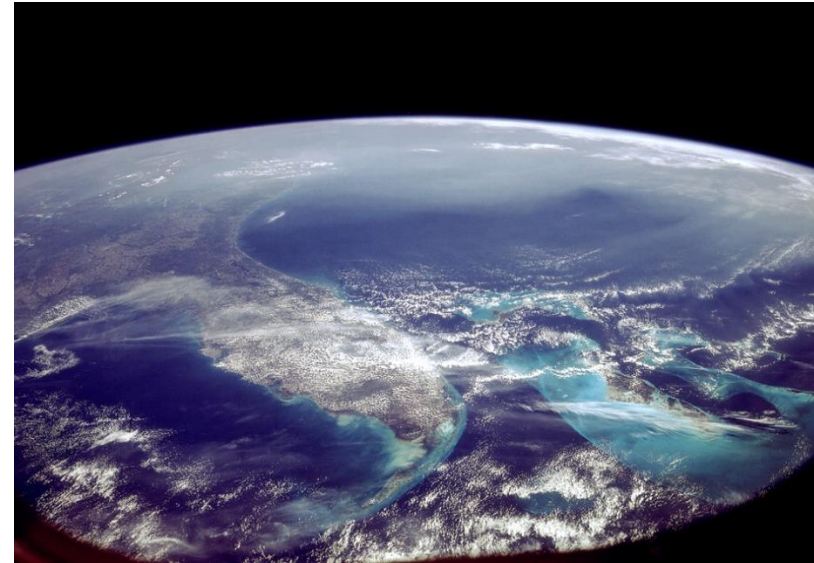
State Clean Air Interstate Rule (CAIR) Provisions

- Adopted in 2007 and amended in 2008 and 2009
- To be repealed in AIR Streamlining Project
 - CAIR replaced by the Cross-State Air Pollution Rule (CSAPR) in 2011
 - CSAPR effective as of January 1, 2015



2015 Ozone National Ambient Air Quality Standard

- To be added in AIR Streamlining Project
 - Revision to definition of national ambient air quality standards and list of current standards
 - No new control measures included
 - Required to comply with federal law



Astronaut photograph of smog over Northeastern US
NASA Earth Observatory

Other Changes

A comprehensive list of changes will be provided in an “Index of Changes”

Regulation No. 35, Chapter 1 Title and Purpose				
Previous Citation	New Citation	Comments	Disposition	To be included as part of (SIP)?
Reg. 18.101, Reg. 19.101, Reg. 26.101, Reg. 31.101	Reg. 35.101	Merged sections with minor typographical, stylistic, or other non-substantive language clarification and added new title “Arkansas Air Quality Regulation”	Retained without substantive revisions	Yes
Reg. 18.103, Reg. 19.102, Reg. 31.102	Reg. 35.102	Merged sections with minor typographical, stylistic, or other non-substantive language clarification.	Retained without substantive revisions	Yes
Reg. 18.102, Reg. 19.103, Reg. 26.102	Reg. 35.103	Merged sections with minor typographical, stylistic, or other non-substantive language clarification.	Retained without substantive revisions	Yes
Reg. 18.104, Reg. 19.104, Reg. 26.103, Reg. 31.103	Reg. 35.104	Merged sections with minor typographical, stylistic, or other non-substantive language clarification. The greenhouse gases (GHG) rescission clause was removed. 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	Yes
Reg. 18.601	Reg. 35.105	Renamed “Pre-emption of Political Subdivisions”	Retained without substantive revisions	No



Process

Identification of Identical/Similar Requirements

Section/Topic	Corresponding section/text	
	Reg 18 Final 100618	Reg 19 Final -130727
Title	18.101 - adopted pursuant to Subchapter 2 of AWAPC (ACA 8-4-101)	19.101- adopted pursuant to Subchapter 2 of AWAPC (ACA 8-4-201)
Applicability/ Affected sources	18.103 - source which emits or has potential to emit any air contaminants	19.102 - stationary source which has potential to emit any federally regulated air pollutant
Intent	18.102 - regs deemed necessary by commission for air pollution control pursuant to mandates under state law -intends to preclude federal enforceability of requirements within reg	19.103 - clear delineation of regs promulgated by Commission to satisfy CAA requirements -limit federal enforceability of requirements to those mandated by federal law -facilitate permit system for stationary sources in the state, in which single permit may contain conditions based on both federal and state mandates.
Severability	18.104 - Invalidity of a provision shall not affect other provisions (provisions declared to be severable).	19.104 - Invalidity of a provision shall not affect other provisions - specifically calls out EPA's greenhouse gas regs and the potential for part or all of these to be stayed, invalidated, delayed, etc.
Definitions	(See Definitions tab)	(See Definitions tab)
Protection of NAAQS		19.301 Purpose
		19.302 Department Responsibilities
		19.303 Regulated Sources Responsibilities
		19.304 Delegated Federal Programs
Permits - Applicability	18.301 Applicability - permit required for operation, construction, or modification of source with actual emissions of at least: 75 tpy CO 40 tpy NOx 40 tpy SO2 40 tpy VOC 25 tpy PM (not consistent with Reg 19 language) 15 tpy PM10 0.5 tpy lead 2 tpy any single HAP 5 tpy of any HAP combination 25 tpy of any other contaminant (not consistent with Reg 19 language) -special applicability applies for sources for which Director deems permit necessary "to protect the public health and welfare or to assist in the abatement or control of air pollution". Includes but not limited to: medical waste incinerators, rendering plants, pathological waste incinerators, chemical process plants, haz waste trt storage or disposal, sour gas process plants, lead acid battery recycling, charcoal plants.	19.401 General Applicability - permit required for operation, construction, or modification of source with actual emissions of at least: 75 tpy CO 40 tpy NOx 40 tpy SO2 40 tpy VOC 15 tpy PM10 0.5 tpy lead 2 tpy any single HAP 5 tpy of any HAP combination

Word-for-Word Comparison

Reg. 18.302 Approval Criteria

No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation ***and without causing air pollution.***

Reg. 19.402 Approval Criteria

No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation ***or without interfering with the attainment or maintenance of a national ambient air quality standard.***

Reconciling Differences

Option A.1: No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation, ***without causing air pollution, and without interfering with the attainment or maintenance of a national ambient air quality standard.***

Option A.2: No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation ***and without causing air pollution.***

Option A.3: No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation ***or without interfering with the attainment or maintenance of a national ambient air quality standard.***

Option B: Same language for each provision, but provisions are presented as separate paragraphs (either within the provision itself, or within a larger section or chapter), corresponding to their respective subset of affected sources.

Draft Consolidated Regulation

green indicates overlap with identical language; red indicates overlap with discrepancies; blue indicates new text]

Title and Purpose

Title [18.101, 19.101, 26.101, 31.101]

Applicability [18.103, 19.102, 31.102, 31.102]

Intent and Construction [18.102, 19.103, 26.102]

Severability [18.103, 19.104, 26.103, 31.103]

Provisions Roadmap

Effective Dates [18.1501, 19.1601, 26.1301, 31.901]

Definitions [18ch2, 19ch2, 26ch2, 31ch2]

Prohibitions

Visible Emissions Limitations [18.501, 19.503]

Open Burning Prohibition [18.602]

Exemptions to Open Burning Prohibition [18.603]

Open Burning During Conditions of Air Pollution [18.604]

Open Burning Authorizations [18.605]

Open Burning Authority [18.601]

Emissions from Mobile Equipment [18.701]

Prohibition of Emission of Air Contaminants Such as to Constitute Air Pollution [18.801]

Fugitive Emissions Prohibitions [18.901]

Circumvention [18.1201]

Startup/Shutdown, Upset Conditions, Breakdowns, Scheduled Maintenance, Interruption of Fuel Supply [18ch11, 19ch6]

Emission Limit Exceedances

Upsets [18.1101] and Upset Conditions [19.601]

Emergency Conditions [18.1105, 19.602]

Fuel Curtailment [18.1102]

Conditions of Air Pollution [18.1103]

Incorporate Additional Revisions

- Simplify language where possible
- Incorporate new regulatory requirements, as necessary
- Revise existing regulatory requirements, as necessary
- Update or repeal of outdated provisions, as necessary

SIP Development

- Concurrent with drafting of regulatory changes
- Demonstrates that regulatory changes satisfy federal Clean Air Act requirements



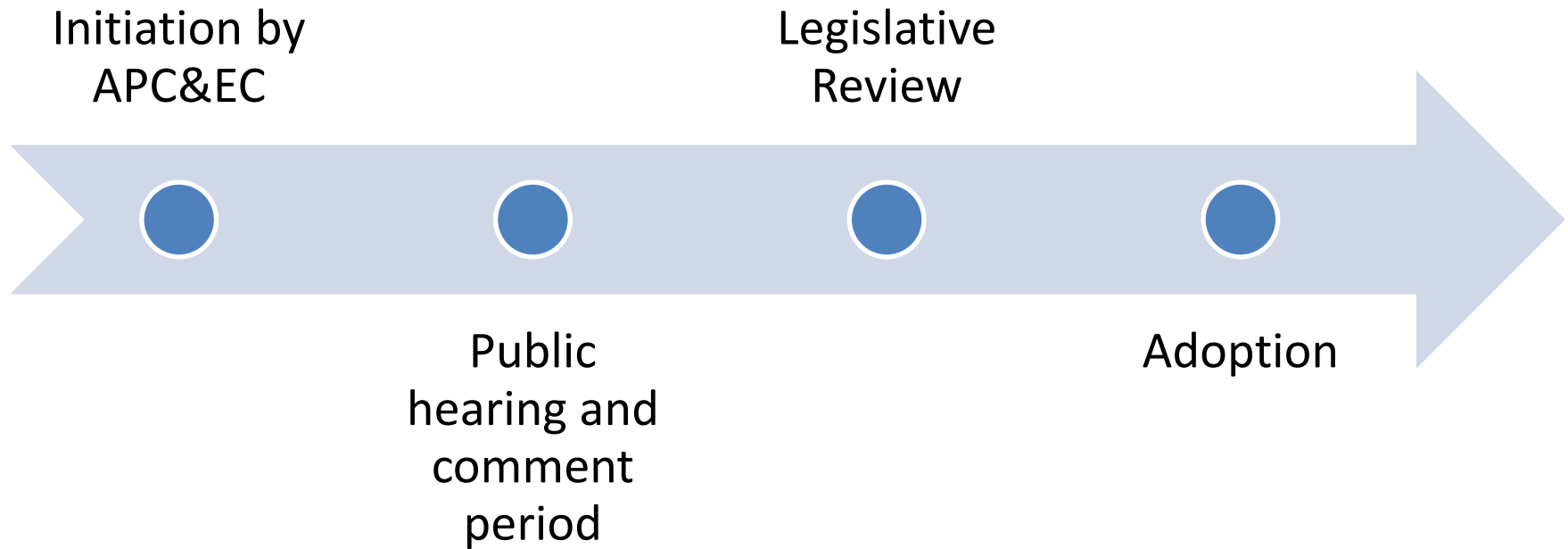
Next Steps



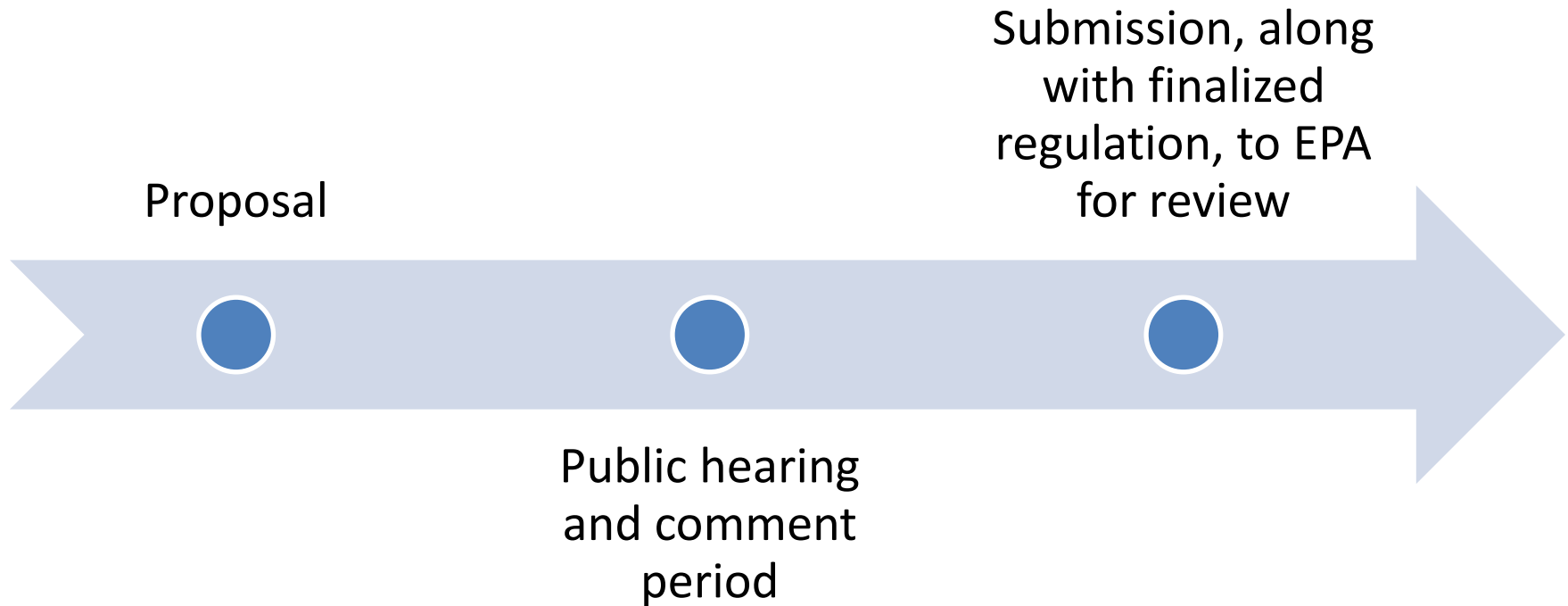
Pre-Initiation

- Public/Regulated Community Engagement
- Revisions, if determined appropriate, to pre-proposal draft regulation
- Develop supporting documentation for initiation with APC&EC
 - Petition to initiate
 - Proposed minute order
 - Explanation of changes and why they are necessary
 - Financial and economic impact
 - Environmental benefit
- Governor Approval

Rulemaking



SIP Revision





Questions?

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