Pollution Control and Ecology Commission # 014.00-019

**ARKANSAS POLLUTION CONTROL**

**and ECOLOGY COMMISSION**

**RULE 19**

**RULES OF THE ARKANSAS PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL**

FOR DISCUSSION PURPOSES ONLY

Strawman Draft

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CHAPTER 1: TITLE, INTENT, AND PURPOSE

Rule 19.101 Title

The following rules, adopted in accordance with the provisions of Subchapter 2 of the Arkansas Water and Air Pollution Control Act, Arkansas Code Annotated (Ark. Code Ann.) § 8-4-201 *et seq.,* shall be known as “Rules of the Arkansas Plan of Implementation of Air Pollution Control,” hereinafter referred to as “Rule 19.”

Rule 19.102 Applicability

Rule 19 applies to any stationary source that has the potential to emit any federally regulated air pollutant.

Rule 19.103 Intent and Construction

(A) Rule 19, as amended, consists of those rules promulgated by the Commission to satisfy certain requirements of the Clean Air Act and the federal rules promulgated thereunder.

(B) Rule 19, as amended, is intended to:

(1) Limit the federal enforceability of Rule 19 requirements to only those mandated by federal law; and

(2) Facilitate a permit system for stationary sources within the State. The Division shall designate in each permit the provisions that are federally enforceable and the provisions that are state enforceable.

(C) Rule 19, as amended, presumes a single-permit system, that includes both federal and state requirements. The owner or operator of a stationary source that is subject to permitting under Rule 19 shall apply for and comply with only one permit, even though that permit may contain conditions derived from the federal mandates contained in Rule 19, and conditions based on State law. Rule 19, through construction or implication, shall not support the conclusion that all conditions of a permit have become federally enforceable because the permit contains provisions derived from Rule 19. Permits or permit conditions issued solely under the authority of State law, or enforcement issues arising solely out of State law, shall not be federally enforceable.

(D) To the extent consistent with State law and efficient protection of the State’s air quality, Rule 19 shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with federal mandates. Any applicable documents (e.g. “White Papers,” regulatory preambles, or interpretive memoranda) issued by the EPA or the Division that are consistent with this policy and the legislative intent of State laws governing air pollution control (Ark. Code Ann. § 8-4-301 *et seq*.) are aids for construing the requirements of Rule 19. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by Rule 19 unless manifestly inconsistent with its substantive terms.

(E) Nothing in Rule 19 shall be construed as curtailing the Division’s or Commission’s authority under State law.

Rule 19.104 Severability

If any provision of Rule 19 is determined to be invalid, the invalidity shall not affect other provisions of Rule 19.

If federal legislation or a federal court stays, invalidates, delays the effective date of, or otherwise renders unenforceable, in whole or in part, EPA’s regulation of greenhouse gases, then the provisions of Rule 19 concerning greenhouse gases based thereon shall be stayed and shall not be enforceable until the Commission makes a final decision on whether or not to revise Rule 19 due to the federal legislation or federal court order.

Rule 19.105 Division-Administered Federal Programs

(A) Federal programs that the Division is responsible for administering include without limitation:

(1) Attainment and maintenance of the national ambient air quality standards (40 C.F.R. Part 50);

(2) Certain delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60);

(3) Provisions designed for the Prevention of Significant Deterioration (40 C.F.R. 52.21);

(4) Minor new source review (40 C.F.R. Part 51); and

(5) Certain delegated subparts of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63).

(B) Rule 19.105(A) shall not limit the future delegation of federal programs to the Division for administration.

(C) Stationary sources subject to Rule 19 shall also comply with all federal programs that the Division is responsible for administering.

Rule 19.106 Incorporation by Reference

Unless a contrary intent is expressly stated, any adoption or descriptive reference to another law shall be construed as though the reference law were set forth in Rule 19 line-by-line, word-for-word as it existed on the effective date of Rule 19.

Rule 19.107 Effective Date

Rule 19 is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

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CHAPTER 2: DEFINITIONS

Terms and phrases used in Rule 19 that are not explicitly defined have the same meaning as those terms that are used in the Clean Air Act. For purposes of Rule 19:

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

**“Clean Air Act”** means the federal Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*.

**“CO2 equivalent emissions”** means an amount of greenhouse gases emitted that is computed by multiplying the mass amount of emissions in tons per year, for each of the six (6) greenhouse gases in the air pollutant greenhouse gases, by the gas’s associated global warming potential published at Table A-1 to Subpart A of 40 C.F.R. Part 98 “Global Warming Potentials” and summing the resultant value for each to compute a tons per year of CO2 equivalent emissions. Table A-1 to Subpart A of 40 C.F.R. Part 98 is incorporated by reference as of January 1, 2015.

**“Commission”** means the Arkansas Pollution Control and Ecology Commission.

**“Construction”** means fabrication, erection, or installation of equipment.

**“Control apparatus”** means any device that prevents, controls, detects or records the emission of any federally regulated air pollutants.

**“Criteria pollutant”** means an air pollutant for which the EPA sets anational ambient air quality standard pursuant to § 108 of the Clean Air Act.

**“Director”** means the Director of the Division, or its successor, acting directly or through the staff of the Division.

**“Division”** means the Division of Environmental Quality, or its successor. When Rule 19 makes reference to actions taken by or with reference to the Division, the reference is to the staff of the Division acting at the direction of the Director of the Division.

**“Emission limitation”** and **“emission standard”** mean a requirement established by the Division or the Administrator of the EPA that limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements that limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a stationary source to assure continuous emission reduction.

**“Emission unit”** means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally regulated air pollutant.

**“EPA”** means the United States Environmental Protection Agency.

**“Equipment”** means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of a federally regulated air pollutant into the open air, including any stack, conduit, flue, duct, vent, or similar device connected or attached to or serving the equipment.

**“Federally regulated air pollutant”** means the following:

(A) Nitrogen oxides or any volatile organic compounds;

(B) Any air pollutant for which a national ambient air quality standard has been promulgated;

(C) Except as provided in Paragraph (E) of this definition, any air pollutant that is subject to any standard promulgated under the Clean Air Act, as of the effective date of Rule 19;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, as of the effective date of Rule 19.

(E) Greenhouse gases, except that greenhouse gases shall not be a federally regulated air pollutant unless the greenhouse gas emissions are:

(1) From a stationary source emitting or having the potential to emit seventy-five thousand (75,000) tons per year or more of CO2 equivalent emissions; and

(2) Regulated under Chapter 9 of Rule 19.

**“Fugitive emissions”** means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening according to customary and good engineering practice and considering technological and economic feasibility. For those industries for which an approved EPA definition exists under federal law or regulation and are meeting that law or regulation, the EPA-approved definition shall take precedence.

**“Greenhouse gases”** means the aggregate group of six gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

**“Hazardous air pollutant”** means any air pollutant listed pursuant to § 112 of the Clean Air Act as of the effective date of Rule 19.

**“Major source”** means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person [or persons under common control]) belonging to a single major industrial grouping and that are described in subsection (A), (B), or (C) of this definition. For the purposes of defining “major source,” a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the air pollutant emitting activities at the stationary source or group of stationary sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual, 1987.

(A) A major source under § 112 of the Clean Air Act, which is defined as:

(1) For air pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten (10) tons per year or more of any hazardous air pollutant that has been listed pursuant to § 112(b) of the Clean Air Act, twenty-five (25) tons per year or more of any combination of hazardous air pollutants, or a lesser quantity as the EPA may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not the units are in a contiguous area or under common control, to determine whether the units or stations are major sources; or

(2) For radionuclides, “major source” shall have the meaning specified by the EPA by rule.

(B) A major stationary source of air pollutants, as defined in § 302 of the Clean Air Act, that directly emits or has the potential to emit, one hundred (100) tons per year or more of any federally regulated air pollutant (including any major source of fugitive emissions of any federally regulated air pollutant, as determined by rule by EPA). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of § 302(j) of the Clean Air Act, unless the stationary source belongs to one of the following categories of stationary sources:

(1) Coal cleaning plants (with thermal dryers);

(2) Kraft pulp mills;

(3) Portland cement plants;

(4) Primary zinc smelters;

(5) Iron and steel mills;

(6) Primary aluminum ore reduction plants;

(7) Primary copper smelters;

(8) Municipal incinerators capable of charging more than two hundred fifty (250) tons of refuse per day;

(9) Hydrofluoric, sulfuric, or nitric acid plants;

(10) Petroleum refineries;

(11) Lime plants;

(12) Phosphate rock processing plants;

(13) Coke oven batteries;

(14) Sulfur recovery plants;

(15) Carbon black plants (furnace process);

(16) Primary lead smelters;

(17) Fuel conversion plant;

(18) Sintering plants;

(19) Secondary metal production plants;

(20) Chemical process plants;

(21) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty (250) million British thermal units per hour heat input;

(22) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand (300,000) barrels;

(23) Taconite ore processing plants;

(24) Glass fiber processing plants;

(25) Charcoal production plants;

(26) Fossil-fuel-fired steam electric plants of more than two hundred fifty (250) million British thermal units per hour heat input; or

(27) Any other stationary source category, that, as of August 7, 1980, is being regulated under § 111 or 112 of the Clean Air Act.

(C) A major stationary source as defined in Part D of Title I of the Clean Air Act, including:

(1) For ozone nonattainment areas, stationary sources with the potential to emit:

(a) One hundred (100) tons per year or more of volatile organic compounds or nitrogen oxides in areas classified as “marginal” or “moderate;”

(b) Fifty (50) tons per year or more in areas classified as “serious;”

(c) Twenty-five (25) tons per year or more in areas classified as “severe;” and

(d) Ten (10) tons per year or more in areas classified as “extreme.”

(e) The references in Paragraph (C)(1)(a)–(d) of this definition to one hundred (100), fifty (50), twenty-five (25), and ten (10) tons per year of nitrogen oxides shall not apply with respect to any stationary source for which EPA has made a finding, under § 182(f)(1) or (2) of the Clean Air Act, that requirements under § 182(f) of the Clean Air Act do not apply;

(2) For ozone transport regions established pursuant to § 184 of the Clean Air Act, stationary sources with the potential to emit fifty (50) tons per year or more of volatile organic compounds;

(3) For carbon monoxide nonattainment areas that are classified as “serious” and where stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by EPA, stationary sources with the potential to emit fifty (50) tons per year or more of carbon monoxide; and

(4) For PM10 nonattainment areas classified as “serious,” stationary sources with the potential to emit seventy (70) tons per year or more of PM10.

**“Modification”** means any physical change in, or change in the method of operation of, a stationary source that increases the emission rate of any federally regulated air pollutant over permitted rates or which results in the emission of a federally regulated air pollutant not previously emitted, except that:

(A) Routine maintenance, repair, and replacement shall not be considered a physical change, and

(B) The following shall not be considered a change in the method of operation:

(1) Any change in the production rate, if the change does not exceed the permitted operating capacity of the stationary source;

(2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or

(3) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.

(C) *De Minimis* changes, as defined in Rule 19.407(C) and changes in ownership shall not be considered modifications.

**“National ambient air quality standards”** means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the effective date of Rule 19, as set forth in Appendix B of Rule 19.

**“Opacity”** means the degree to which air emissions reduce the transmission of light and obscure the view of an object in the background.

**“Operator”** means any person who leases, operates, controls, or supervises any equipment affected by Rule 19.

**“Owner”** means any person who has legal or equitable title to any stationary source, facility, or equipment affected by Rule 19.

**“Part 70 source”** means any stationary source subject to the permitting requirements of Rule 26.

**“Particulate matter”** means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than one hundred (100) micrometers.

**“Particulate matter emissions”** means all particulate matter, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, specified in 40 C.F.R. Part 60 Appendix A as of the effective date of Rule 19, or by a test method specified in Rule 19 or any supplement thereto, with the exception of condensable particulate matter.

**“Person”** means any individual or other legal entity or their legal representative or assignee.

“**PM2.5”**means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 as of the effective date of Rule 19, or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.

**“PM2.5 emissions”** means PM2.5 emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of Rule 19, or by a test method specified in Rule 19 or any supplement thereto.

**“PM10”** means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 C.F.R. Part 50 as of the effective date of Rule 19, or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

**“PM10 emissions”** means PM10 emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of Rule 19, or by a test method specified in Rule 19 or any supplement thereto.

**“Potential to emit”** means the maximum capacity of a stationary source to emit a federally regulated air pollutant under its physical and operational design.

(A) Any physical or operational limitation on the capacity of the stationary source to emit a federally regulated air pollutant, including without limitation, air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable to the extent it is regulated by the Clean Air Act.

(B) Secondary air emissions do not count in determining the potential to emit of a stationary source.

**“Responsible official”** means one of the following:

(A) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of the person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(1) The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000 in second quarter 1980 United States dollars); or

(2) The delegation of authority to the representative is approved in advance by the Division;

(B) For partnership or sole proprietorship: a general partner or the proprietor, respectively;

(C) For a municipality, State, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Rule 19, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(D) For acid rain stationary sources:

(1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; and

(2) The designated representative for any other purposes under 40 CFR Part 70.

**“Rule 8”** means Arkansas Pollution Control and Ecology Commission Regulation No. 8 until it is amended to replace the term “regulation” with “rule.” After that time, Rule 8 means Arkansas Pollution Control and Ecology Commission Rule 8.

**“Rule 9”** means Arkansas Pollution Control and Ecology Commission Regulation No. 9 until it is amended to replace the term “regulation” with “rule.” After that time, Rule 9 means Arkansas Pollution Control and Ecology Commission Rule 9.

**“Rule 18”** means Arkansas Pollution Control and Ecology Commission Regulation No. 18, until it is amended to replace the term “regulation” with “rule.” After that time, Rule 18 means Arkansas Pollution Control and Ecology Commission Rule 18.

**“Rule 26”** means Arkansas Pollution Control and Ecology Commission Regulation No. 26, until it is amended to replace the term “regulation” with “rule.” After that time, Rule 26 means Arkansas Pollution Control and Ecology Commission Rule 26.

**“Shutdown”** means the cessation of operation of equipment.

**“Startup”** means the setting in operation of equipment.

**“State implementation plan”** (as defined at Ark. Code Ann. § 8-4-303), means a plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act and that is developed by the Division and submitted to the EPA for review and approval.

**“Stationary source”** means any building, structure, facility, or installation that emits or may emit any federally regulated air pollutant.

**“Title I modification”** means any modification as defined under any rule promulgated pursuant to Title I of the Clean Air Act. *De Minimis* changes under Rule 19, changes to state-only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.

**“Trade secret”** means information, including a formula, pattern, compilation, program, device, method, technique, or process that:

(A) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use;

(B) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

“**Twelve-month period**” means a period of twelve (12) consecutive months determined on a rolling basis with a new twelve-month period beginning on the first day of each calendar month.

**“Volatile organic compounds”** means any compound of carbon; excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate; that participates in atmospheric photochemical reactions.

(A) This includes any organic compound other than the following, which have been determined to have negligible photochemical reactivity:

acetone;
methane;
ethane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
tetrachloroethylene (perchloroethylene);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (HCFC-22);
trifluoromethane (HFC-23);
1,2-dichloro 1,1, 2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1-dichloro 1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
parachlorobenzotrifluoride (PCBTF);
cyclic, branched, or linear completely methylated siloxanes;
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
difluoromethane (HFC-32);
fluoroethane (ethyl fluoride or HFC-161);
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC 245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
1,1,1,3,3-pentafluorobutane (HFC-365mfc);
chlorofluoromethane (HCFC-31);
1-chloro-1-fluoroethane (HCFC-151a);
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3 or HFE-7100);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5 or HFE 7200);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
 ((CF3)2CFCF2OC2H5);
methyl acetate;
1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3 or HFE-7000);
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane
 (HFE-7500);
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
methyl formate (HCOOCH3);
1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
propylene carbonate;

dimethyl carbonate;

 (1*E*)-1,3,3,3-tetrafluoroprop-1-ene (HFO-1234ze);

HCF2OCF2H (HFE-134);

HCF2OCF2OCF2H (HFE-236cal2);

HCF2OCF2CF2OCF2H (HFE-338pcc13);

HCF2OCF2OCF2CF2OCF2H (H-Galden 1040x or H-Galden ZT 130 [or 150 or

 180]);

(1*E*)-1-chloro-3,3,3-trifluoroprop-1-ene;2,3,3,3-tetraflouropropene;

2-amino-2-methyl-1-propanol;

t-butyl acetate;

cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mz-Z); and

perfluorocarbon compounds which fall into these classes:

(1) Cyclic, branched, or linear, completely fluorinated alkanes;

(2) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(4) Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(B) For purposes of determining compliance with emission limits, volatile organic compounds are measured by the test methods in the approved state implementation plan or 40 C.F.R. Part 60, Appendix A, as applicable. Where a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of the compounds is accurately quantified, and the exclusion is approved by the Division.

(C) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the Division may require an owner or operator of a stationary source to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Division, the amount of negligibly-reactive compounds in the emissions from the stationary source.

(D) [Reserved]

CHAPTER 3: PROTECTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS

Rule 19.301 Purpose

This Chapter states the responsibilities of the Division and regulated stationary sources in meeting and maintaining the national ambient air quality standards. If any area of the state is determined to be in violation of the national ambient air quality standards, all applicable requirements contained in the Clean Air Act, as amended, and all rules promulgated thereto shall be met by the Division.

Rule 19.302 Division Responsibilities

The Division shall be responsible for taking the following precautions to prevent the national ambient air quality standards from being exceeded:

(A) Ambient air monitoring in any area that can reasonably be expected to be in excess of the national ambient air quality standards; and

(B) Computer modeling of federally regulated air pollutant emissions for any area that can reasonably be expected to be in excess of the national ambient air quality standards, and review of the ambient air impacts of any new or modified stationary source of federally regulated air pollutant emissions that is the subject of the requirements of Rule 19. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the national ambient air quality standards.

Rule 19.303 Owner or Operator of Regulated Stationary Sources Responsibilities

The owner, operator, or both of any stationary source subject to the provisions of Rule 19 shall take the following precautions to prevent the national ambient air quality standards from being exceeded:

(A) When required by law or Rule 19, obtaining a permit from the Division prior to construction of a new stationary source of federally regulated air pollutant emissions or prior to the modification of an existing stationary source of federally regulated air pollutant emissions;

(B) Operating equipment in a manner that meets any applicable permit requirement or any applicable rules; and

(C) Repairing malfunctioning equipment and pollution control equipment as quickly as possible. If the malfunctioning equipment is causing, or contributing to, a violation of the national ambient air quality standards, as determined by computer modeling, the owner or operator of the stationary source is responsible for ceasing operations of the affected equipment until it is repaired.

Rule 19.304 [RESERVED]

CHAPTER 4: MINOR SOURCE REVIEW

Rule 19.401 General Applicability

A person shall not cause or allow the operation, construction, or modification of a stationary source without first obtaining a permit from the Division under this Chapter if the stationary source has actual emissions of:

(A) Seventy-five (75) tons per year or more of carbon monoxide;

(B) Forty (40) tons per year or more of nitrogen oxides;

(C) Forty (40) tons per year or more of sulfur dioxide;

(D) Forty (40) tons per year or more of volatile organic compounds;

(E) Ten (10) tons per year or more of direct PM2.5;

(F) Fifteen (15) tons per year or more of PM10;

(G) One-half (0.5) ton per year or more of lead;

(H) Two (2) tons per year or more of any single hazardous air pollutant; or

(I) Five (5) tons per year or more of any combination of hazardous air pollutants

Rule 19.402 Approval Criteria

The Division shall not grant or modify a permit under this Chapter unless the owner or operator of the stationary source demonstrates to the reasonable satisfaction of the Division that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of Rule 19 and without interfering with the attainment or maintenance of any national ambient air quality standard.

Rule 19.403 Owner or Operator's Responsibilities

Issuance of a permit by the Division does not affect the responsibility of the owner or operator of a stationary source to comply with applicable portions of Rule 19.

Rule 19.404 Required Information

(A) General

The owner or operator of a stationary source shall apply for a permit using forms and including information that the Division may reasonably require, including without limitation:(1) Information on the nature and amounts of federally regulated air pollutants to be emitted by the stationary source; and

(2) Information on the location, design, and operation of the stationary source.

(B) Duty to Supplement Submittal

If, while processing an application that has been determined to be complete, the Division determines that additional information is necessary to evaluate or take final action on that application, the Division may request the information in writing and set a reasonable deadline for a response.

(C) Duty to Correct Submittal

Any applicant who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of the failure or incorrect submittal, promptly submit supplementary facts or corrected information. In addition, the applicant shall provide additional information as necessary to address any relevant requirements that become applicable to the stationary source before final action is taken on its application.

Rule 19.405 Action on Application

(A) Technical Review

The Division will review each application submitted under this Chapter to ensure to its reasonable satisfaction that:

(1) The stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a national ambient air quality standard;

(2) The stationary source will be constructed or modified to operate without violating any applicable rule adopted by the EPA pursuant to §§ 111, 112, and 114 of the Clean Air Act;

(3) The stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of Rule 19;

(4) The emission rate calculations are complete and accurate; and

(5) If the owner or operator of a stationary source wishes to measure or monitor operating parameters rather than actual emissions, the application describes a process that will be used to ensure that the calculations are translated into enforceable limits on operational parameters rather than emissions.

(B) Proposed Action

(1) If the Division initially determines the requirements of Rule 19.405(A) are met, the Division shall prepare a draft permit that:

(a) Contains the conditions necessary to comply with Rule 19;

(b) Addresses all federally regulated air pollutant emissions and all federally regulated air pollutant emitting equipment at the stationary source except air pollutants or equipment specifically exempt.

(2) If the Division initially determines the requirements of this Chapter are not met, the Division shall prepare a notice of intent to deny. The Division shall include the reasons for the denial of the permit application for the stationary source in the notice of intent to deny.

(3) Except as provided in Rule 19.407, the public shall have an opportunity to comment on the Division’s proposed permit decision in accordance with Rule 19.406.

(4) The Division shall notify the applicant of the Division’s draft permitting decision within ninety (90) days of receipt by the Division of an initial permit application or an application for a major modification if the application contains all information that is required by the Division. This time period may be extended by mutual agreement between the Division and the applicant. If the Division fails to take action on the application within the prescribed time frames, the aggrieved applicant may petition the Commission for relief from Division inaction. The Commission shall either grant or deny the petition within forty-five (45) days of its submittal.

(C) Final Action

The Division shall take final action on a permit application after the close of the public comment period. The Division shall provide written notice of the Division’s final action and the reasons for the final action to the owner or operator of the stationary source and any person that submitted a written comment.

Rule 19.406 Public Participation

(A) General

The Division shall not issue, deny, or modify a permit unless the public has first had an opportunity to comment on the following:

(1) The information submitted by the applicant;

(2) The Division’s analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality; and

(3) The Division’s proposed approval or disapproval of the permit application.

(B) Public Availability of Information

(1) The Division shall provide notice to the public of the opportunity to comment on each draft permit decision and supporting records.

(a) The notice shall be published in a newspaper in general circulation in the area where the stationary source is located, or proposes to locate, and in a state-wide publication designed to give general public notice.

(b) At a minimum, the notice shall describe the locations where the draft permit decision and supporting records may be inspected and the procedures for submitting a comment.

(c) A copy of the notice shall be sent to:

(i) The applicant;

(ii) The Regional Administrator of the EPA;

(iii) The mayor of the community where the stationary source is proposed to be constructed or modified;

(iv) The county judge of the county where the stationary source is proposed to be constructed or modified; and

(v) The appropriate air pollution control agencies of adjoining states if the construction or modification of the stationary source will impact air quality in adjoining states.

(2) The opportunity for comment shall begin on the day the notice of the draft permit decision is published and end on the date specified in the notice, which shall be at least thirty (30) days after the notice is published.

(3) The Division shall make available the draft permit decision and records supporting the draft permit decision in at least one location in the area where the stationary source is located, or proposes to locate, and in the Division’s central offices during the public comment period.;

(4) The Division shall consider comments addressing the technical merits of the permit application and the Division’s analysis of the effect of the proposed emissions on air quality submitted in accordance with procedures in the public notice prior to taking final action on the permit application.

Rule 19.407 Permit Amendments

(A) Administrative Permit Amendments

(1) An administrative permit amendment is a permit revision that:

Corrects a typographical error;

Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the stationary source;

Requires more frequent monitoring or reporting by the permittee;

Incorporates a change in the permit involving the retiring of equipment or emission units, or the decrease of permitted emissions from equipment or emission units; or

Incorporates a change to the stationary source’s insignificant activities list.

(2) The Division shall revise the permit and may incorporate revisions that qualify as an administrative permit amendment without providing notice to the public.

(3) The applicant may implement the changes addressed in an administrative permit amendment application immediately upon receipt of the Division’s acknowledgment that the change qualifies as an administrative permit amendment.

(B) Change in Ownership

(1) Permits issued under Rule 19 shall remain freely transferable, provided the applicant for the transfer:

(a) Notifies the Director at least thirty (30) days in advance of the proposed transfer date on any forms as the Director may reasonably require, and

(b) Submits a disclosure statement and other documents required by the Division.

(i) The disclosure statement shall include, without limitation, the following information:

(aa) The full name, business address, and social security number or tax identification number of the applicant and all affiliated persons;

(bb) The full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations within the state;

(cc) A description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations related to environmental regulation;

(dd) A listing and explanation of civil or criminal legal actions by government agencies involving environmental protection laws or regulations against the applicant and affiliated persons in the ten (10) years immediately preceding the filing of the application, including administrative enforcement actions resulting in the imposition of sanctions, permit or license revocations or denials issued by any state or federal authority, actions that resulted in a finding or a settlement of a violation, and actions that are pending;

(ee) A listing of any federal environmental agency and any other environmental agency outside this state that has or has had regulatory responsibility over the applicant; and

(ff) Any other information that the Director may require that relates to the competency, reliability, or responsibility of the applicant and affiliated persons.

(ii) Deliberate falsification or omission of relevant information from disclosure statements shall be grounds for civil or criminal enforcement action or administrative denial of a permit, license, certification, or operational authorization.

(iii) The following governmental entities are not required to file a disclosure statement:

(aa) Subdivisions or agencies of the federal government;

(bb) Agencies of the state government;

(cc) Counties;

(dd) Municipalities; and

(ee) Duly authorized regional solid waste authorities.

(ff) This exemption shall not extend to improvement districts or any other subdivision of government that is not specifically instituted by an act of the Arkansas General Assembly.

(iv) Nothing in this section, including the exemptions in Reg. 19.407(B)(1)(b)(iii), shall be construed as a limitation upon the authority of the Director to deny a permit based upon a history of noncompliance by any applicant or for other just cause.

(v) If the applicant is a publicly held company that is required to file periodic reports under the Security and Exchange Act of 1934 or a wholly owned subsidiary of a publicly held company, the applicant shall not be required to submit a disclosure statement. Instead, the applicant shall submit the most recent annual and quarterly reports required by the Securities and Exchange Commission that provide information regarding legal proceedings in which the applicant has been involved. The applicant shall submit any other information the Director may require that relates to competency, reliability, or responsibility of the applicant and affiliated persons.

(2) The Director may deny transfer of any permit if he or she finds, based upon the disclosure statement and other investigation that he or she deems appropriate, that:

(a) The applicant has a history of non-compliance with the environmental laws or rules of Arkansas or any other jurisdiction;

(b) The applicant owns or operates other stationary sources in the state are not in substantial compliance with, or on a legally enforceable schedule that results in compliance with, the environmental laws or rules of Arkansas; or

(c) A person with a history of non-compliance with environmental laws or rules of Arkansas or any other jurisdiction is affiliated with the applicant to the extent of being capable of significantly influencing the practices or operations of the applicant in a way that could have an impact on the environment.

(3) The notice requirements in Rule 19.406 do not apply to changes in ownership or changes in name.

(C) *De Minimis* Changes

(1) A proposed change to a stationary source is considered *De Minimis* if:

(a) Minimal judgment is required to establish the permit requirements for the change; and

(b) The change results in a trivial environmental impact.

(2) The environmental impact of a proposed change is considered trivial if the emission increase, based on the differences between the sum of the proposed permitted rates for all emissions units and the sum of previously permitted emission rates for all units will either:

(a) Be less than the following amounts:

(i) Seventy-five (75) tons per year of carbon monoxide;

(ii) Forty (40) tons per year of nitrogen dioxides, sulfur dioxides, or volatile organic compounds;

(iii) Twenty-five (25) tons per year of particulate matter emissions;

(iv) Ten (10) tons per year of direct PM2.5;

(v) Fifteen (15) tons per year of PM10 emissions; and

(vi) One-half (0.5) a ton per year of lead; or,

(b) Result in an air quality impact less than:

|  |  |  |
| --- | --- | --- |
| Air Pollutant | *De Minimis* Concentration | Averaging Time |
| carbon monoxide | Five hundred (500) micrograms per cubic meter  |  Eight-hour |
| nitrogen dioxide | Ten (10) micrograms per cubic meter  |  Annual |
| PM2.5 | Two (2) micrograms per cubic meter  | Twenty-four-hour |
| PM10 | Eight (8) micrograms per cubic meter  | Twenty-four-hour |
| sulfur dioxide | Eighteen (18) micrograms per cubic meter  | Twenty-four-hour |
| lead | One-tenth (0.1) micrograms per cubic meter  |  Three-month |

(3) The following changes are not considered *De Minimis* changes:

(a) Any increase in the permitted emission rate at a stationary source without a corresponding physical change or change in the method of operation at the source;

(b) Any change that would result in a violation of the Clean Air Act;

(c) Any change seeking to change a case-by-case determination of an emission limitation established pursuant to best available control technology, §112(g), §112(i)(5), §112(j), or §111(d) of the Clean Air Act;

(d) Any change that would result in a violation of any provision of Rule 19;

(e) Any change in a permit term, condition, or limit that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;

(f) Any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or

(g) Any proposed change that requires more than minimal judgment to determine eligibility.

(4) If the owner or operator of a stationary source submits multiple applications for *De Minimis* changes to conceal a larger modification that is not considered a *De Minimis* change, then the Division shall require the applications be processed as a permit modification subject to the requirements of Rule 19.405 and Rule 19.406. Deliberate misrepresentation may be grounds for permit revocation.

(5) The applicant may implement *De Minimis* changes immediately upon receipt of the Division’s acknowledgment that the change qualifies as a *De Minimis* change.

 (6) The Division shall revise the permit and may incorporate *De Minimis* changes without providing notice to the public.

(D) Administrative permit amendments, changes in ownership, and De Minimis changes are not Title I modifications.

(E) Any change that does not qualify as an administrative permit amendment pursuant to Rule 19.407(A), a change in ownership pursuant to Rule 19.407(B), or a *De Minimis* change pursuant to Rule 19.307(C) shall be processed in accordance with the procedures of Rule 19.405 and Rule 19.406.

Rule 19.408 Exemption from Permitting

(A) Insignificant Activities

The Division shall consider stationary sources and activities listed in Appendix A of Rule 19 insignificant and shall not require a permit under Chapter 4 of Rule 19 for insignificant activities. The Division shall not require inclusion of insignificant activities in a permit for a stationary source unless required by Rule 26.

(B) Grandfathering

Stationary sources operating prior to June 30, 1975 that have not been modified since are not required to obtain a permit under this Chapter.

Rule 19.409 [RESERVED]

Rule 19.410 Permit Revocation and Cancellation

(A) Revocation

Any permit issued under Rule 19 is subject to revocation, suspension, or modification in whole or in part, for cause, including without limitation:

(1) Violation of any condition of the permit;

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or

(3) Change in any applicable rule or change in any pre-existing condition affecting the nature of the emission that requires either a temporary or permanent reduction or elimination of the permitted emission.

(B) Cancellation

The Director may cancel a permit if the construction or modification is not begun within eighteen (18) months from the date of the permit issuance or if the work involved in the construction or modification is suspended for a total of eighteen (18) months or more.

Rule 19.411 General Permits

(A) General Authority

The Division may, after notice and opportunity for public participation provided under Rule 19.406, issue a general permit covering numerous similar stationary sources. The Division shall use the criteria for the review and approval of permits under this Chapter for general permit applications. Any general permit shall include all requirements applicable to other permits and shall identify criteria by which a stationary source may qualify for the general permit. Enforceable emissions limitations or other control measures, means, or techniques, as well as schedules and timetables for compliance, shall be included in the general permit, as may be necessary or appropriate to meet the applicable requirements of Rule 19. To the owner or operator of a stationary source that qualifies, the Division shall grant the conditions and terms of the general permit. The owner or operator of the stationary source shall be subject to enforcement action for operation without a permit if the stationary source is later determined not to qualify for the conditions and terms of the general permit.

(B) Application

The owner or operator seeking a general permit for a stationary source that would qualify for a general permit shall apply to the Division for coverage under the terms of the general permit or shall apply for a permit consistent with Rule 19.404. The Division may grant a request for authorization to operate under a general permit, but this grant shall not be a final permit action for purposes of judicial review.

1. When any application for the issuance of a new general permit or a modification of an existing general permit is filed with the Division, the Division shall publish notice of the application in a newspaper of general circulation in the county in which the proposed stationary source is to be located.

(2) The Division shall advise in the notice required by Rule 19.411(B)(1) that any interested person may request a public hearing on the general permit application by giving the Division a written request within ten (10) days of the publication of the notice.

(3) If the Division determines a hearing should be held, then the Division shall schedule a public hearing and shall, by First Class Mail, notify the applicant and all persons who have submitted comments of the date, time, and place of the public hearing.

Rule 19.412 Dispersion Modeling

The following shall apply if dispersion or other air quality modeling is used to meet the requirements of this Chapter.

(A) General

All applications of air quality modeling involved in this Chapter shall be based on the applicable models, data bases, and other requirements specified in Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models).

(B) Substitution

 If an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. Modification or substitution of a model may be made on a case-by-case basis or, if appropriate, on a generic basis for a specific air pollutant or type of stationary source. Written approval of the Director with the concurrence of the Administrator of the EPA shall be obtained for any modification or substitution.

Rule 19.413 Confidentiality

(A) If the applicant requests in writing that information constituting a trade secret be held confidential, then the Division shall hold the information confidential and segregate it from public files if the following requirements are met:

(1) The applicant derives independent economic value (actual or potential) from the information not being generally known to, and not being readily ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use;

(2) The information claimed as confidential is the subject of efforts that are reasonable under the circumstances to maintain its secrecy;

(3) The applicant submits a sworn affidavit to the Division, subject to public scrutiny, that describes, in a manner that does not reveal the information to be held confidential, the processes or market conditions that support the applicant’s confidentiality claim in the terms of Rule 19.413(A)(1) and (2). The applicant shall recite the following in the affidavit:

“The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Division’s denial of public access to the documents or information claimed herein to be a trade secret.”

(B) The applicant may submit an omnibus affidavit establishing the prerequisites of Rule 19.413(A)(1) and (2) and reference this document in future confidentiality claims.

(C) Confidentiality claims shall be afforded interim protected status until the Division determines whether the requirements of Rule 19.413(A) are satisfied. The Division shall make the determination prior to the issuance of any permit or publication of any draft permit. In the event the Division does not make the determination prior to permit issuance, the information shall be deemed confidential until a request is made. If a third party request to review information claimed as confidential is received before the Division provides its written determination concerning the claim, the Division shall not release the information before notifying the applicant of the request. The Division shall notify the applicant of the request and the Division’s determination on the confidentiality claim at least two (2) business days before releasing the information, at which time the applicant may choose to supplement its affidavit supporting confidentiality or seek legal recourse.

(D) For any permit application submitted subject to a claim of trade secret, the applicant shall provide two (2) copies of the application; one prominently marked as confidential and another that is subject to public review with confidential information excised. The Division shall not accept applications that are deemed totally confidential except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.

Rule 19.414 Applicant's Duty to Apply for Alternative Scenarios

The permit applicant shall apply for any reasonably anticipated alternative stationary source operating scenarios at the time of permit application. The Division shall include approved alternative operating scenarios in the permit. The permittee may implement any operating scenario allowed in the permit without the need for a permit revision or notification to the Division.

Rule 19.415 Changes Resulting in No Emissions Increases

(A) A permittee may make a change to a stationary source that contravenes permit terms without a permit revision if the change:

(1) Is not a Title I modification;

(2) Does not exceed emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions);

(3) Does not violate applicable requirements; and

(4) Does not violate federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

(B) The permittee shall provide written notice to the Division at least seven (7) days prior to implementing the proposed changes allowed under Rule 19.415(A), or within a shorter time frame that the Division allows for emergencies.

(C) The permittee and the Division shall attach each notice pursuant to Rule 19.415(B) to their copy of the relevant permit. For each change, the written notice shall include:

(1) A brief description of the change to the permitted stationary source;

(2) The date the change will occur;

(3) Any change in emissions; and

(4) Any permit term or condition that is no longer applicable as a result of the change.

Rule 19.416 Permit Flexibility

(A) The Division may grant an extension to any testing, compliance, or other date in the permit. No extensions shall be authorized until the permittee of the stationary source receives written approval from the Division. The Division may grant the request, at its discretion, in the following circumstances:

(1) The permittee of the stationary source makes the request in writing at least fifteen (15) days in advance of the deadline specified in the stationary source’s permit;

(2) The extension does not violate a federal requirement;

(3) The permittee of the stationary source demonstrates the need for the extension; and

(4) The permittee of the stationary source documents that all reasonable measures have been taken to meet the current deadline and documents reasons the current deadline cannot be met.

(B) The Division may grant a request to allow temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement, or other limit in a stationary source’s permit. Requested activities shall not be authorized until the permittee of the stationary source receives written approval from the Division. The Division may grant approval of the request, at its discretion, in the following circumstances:

(1) The permittee of the stationary source makes the request in writing at least thirty (30) days in advance of the date that temporary emissions and/or testing would otherwise exceed a permitted emission rate, throughput requirement, or other limit in a stationary source’s permit;

(2) The requested activity does not violate a federal requirement;

(3) The requested activity is temporary in nature;

(4) The r requested activity will not result in a condition of air pollution as defined in Chapter 2 of Rule 18;

(5) The request contains all information necessary for the Division to evaluate the request, including without limitation, quantification of the emissions and the date and time the emissions will occur;

(6) The requested activity will result in increased emissions less than five (5) tons of any individual criteria pollutant, one (1) ton of any single hazardous air pollutant and two and one-half (2.5) tons of total hazardous air pollutants; and

(7) The permittee of the stationary source maintains records of the dates and results of temporary emissions and/or testing.

(C) The Division may grant a request to allow an alternative to the monitoring specified in a stationary source’s permit. The alternative monitoring activities shall not be authorized until the permittee of the stationary source receives written approval from the Division. The Division may grant the request, at its discretion, in the following circumstances:

(1) The permittee operator of the stationary source makes the request in writing at least thirty (30) days in advance of the first date that the monitoring alternative will be used;

(2) The monitoring alternative does not violate a federal requirement;

(3) The monitoring alternative provides an equivalent or greater degree of actual monitoring to the requirements in the stationary source’s permit; and

(4) Any request for an alternative monitoring method, if approved by the Division, is incorporated into the next permit modification application by the permittee of the stationary source.

Rule 19.417 Registration

(A) The owner or operator of a stationary source that is permitted pursuant to Rule 19 with emissions lower than the permitting thresholds of Rule 19.401 and higher than the registration thresholds of Rule 18.315, may elect to continue to operate under an existing Rule 19 permit for the stationary source or the owner or operator may submit a registration under Rule 18.315 and request to terminate the existing Rule 19 permit. The Rule 19 permit shall remain in effect until terminated.

(B) The owner or operator of a stationary source that is subject to registration under Rule 18.315 may elect to instead operate under a permit issued in accordance with this Chapter.

CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT

Rule 19.501 Purpose

This Chapter defines the general federally regulated air pollutant emissions limitations applicable to all equipment subject to Rule 19. Stricter specific limitations may be required in applicable permits if necessary to comply with federal law or rules that are in effect as of the effective date of Rule 19.

Rule 19.502 General Rules

A person shall not cause or allow the construction or modification of equipment that would cause the following standards or limitations to be exceeded:

(A) Any national ambient air quality standard;

(B) Any ambient air increment pursuant to Chapter 9 of Rule 19;

(C) Any applicable emissions limitation promulgated by the EPA; or

(D) Any applicable emissions limitation promulgated by the Division in Rule 19.

Rule 19.503 Visible Emission Rules

(A) A person shall not cause or allow visible emissions (other than uncombined water vapor) from incinerators, fuel burning equipment, or manufacturing process equipment in excess of twenty percent (20%) opacity or any applicable visible emissions limitation of a New Source Performance Standard promulgated by the EPA, except as allowed in Rule 19.503(B) and (C). Opacity shall be determined as specified in Rule 19.503(D).

(B) For incinerators and fuel burning equipment, emissions greater than twenty percent (20%) opacity, but not exceeding sixty percent (60%) opacity, shall be allowed for not more than six (6) minutes in the aggregate in any consecutive sixty-minute (60) period, if the emissions will not occur more than three (3) times during any twenty-four-hour period.

(C) For equipment installed and operated, or permitted by the Department, on or before January 30, 1972, emissions shall not exceed forty (40%) opacity, except that emissions greater than forty (40%) opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive sixty-minute period, if the emissions will not occur more than three (3) times during any twenty-four-hour period.

(D) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A).

Rule 19.504 Stack Height/Dispersion Rules

The stack height provisions of 40 C.F.R. § 51.118 are incorporated by reference. The definition of “stack,” “a stack in existence,” “dispersion technique,” “good engineering practice,” “nearby,” and “excessive concentration” are defined in 40 C.F.R. §§ 51.100 (ff) through (kk) and are incorporated by reference.

Rule 19.505 Revised Emissions Limitation

(A) Emissions limitations and reporting procedures of this Chapter may be amended as described below:

(1) The emissions limitations and reporting procedures of this Chapter or any applicable permits may be further amended and made more restrictive if the Director finds more restrictive measures are necessary to assure maintenance of the national ambient air quality standards.

(2) Any person subject to the emission limitations contained in Rule 19 or in a permit may petition the Director for a less stringent limitation on the grounds that the existing limitation cannot be met when considering physical, economical, or technological constraints. The Director shall not approve a less stringent limitation if it would cause a violation of the national ambient air quality standards or if the less stringent limitation violates a federal emission standard or rule, unless approved according to applicable federal rules.

(B) The Director shall take into account the following factors when making a determination to revise an emissions limitation:

(1) The process, fuels, and raw materials available and to be employed at the stationary source involved;

(2) The engineering aspects of the application of various types of control techniques that have been adequately demonstrated;

(3) Process and fuel changes;

(4) The respective costs of the application of all control techniques, process changes, alternative fuels, etc.; and

(5) Locational and siting considerations.

(C) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(D) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

CHAPTER 6: UPSET AND EMERGENCY CONDITIONS

Rule 19.601 Upset Conditions

For purposes of Chapter 6 of Rule 19, “upset condition” means an exceedance of an applicable emissions limitation lasting thirty (30) minutes or longer, in the aggregate, during a twenty-four-hour period, unless otherwise specified in an applicable permit or rule (such as New Source Performance Standards ). All upset conditions, resulting in violation of an applicable permit or rule, shall be reported to the Division. The owner or operator of any stationary source exceeding an emission limit established by Rule 19 or an applicable permit is in violation of Rule 19 or the permit and shall be subject to enforcement action. The Division may forego an enforcement action for an exceedance of an emission limit for a federally regulated air pollutant if the owner or operator of the stationary source does the following:

(A) Demonstrates to the satisfaction of the Division that the excess emissions resulted from:

(1) Equipment malfunction or upset and are not the result of negligence or improper maintenance; or

(2) Physical constraints on the ability of a source to comply with the emission standard, limitation, or rate during startup or shutdown;

(B) All reasonable measures have been taken to immediately minimize or eliminate the excess emissions.

(C) Reports the occurrence or upset or breakdown of equipment to the Division by the end of the next business day after the discovery of the occurrence;

(D) Submits to the Division, at its request, a full report of the occurrence, including:

(1) The identification of and location of the process and control equipment involved in the upset;

(2) A statement of all known causes; and

(3) The scheduling and nature of the actions to be taken to eliminate future occurrences or to minimize the amount by which the emissions limits are exceeded and to reduce the length of time for which the emissions limits are exceeded.

Rule 19.602 Emergency Conditions

An “emergency” means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the owner or operator of the stationary source, including natural disasters, that require immediate corrective action to restore normal operation, and that cause the stationary source to exceed a technology-based emissions limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include noncompliance caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(A) An emergency constitutes a complete affirmative defense to an action brought for noncompliance with a technology-based limitation if the conditions in Rule 19.602(A)(1) through (4) are met. The permittee shall demonstrate affirmative defense of emergency through properly signed contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and the permittee can identify the cause(s) of the emergency;

(2) The permitted stationary source was at the time being properly operated;

(3) During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The permittee submitted notice of the upset to the Division by the end of the next business day after the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(B)[RESERVED]

CHAPTER 7: SAMPLING, MONITORING, AND REPORTING REQUIREMENTS

Rule 19.701 Purpose

This Chapter generally defines the powers of the Division in requiring sampling, monitoring, and reporting requirements at stationary sources. The Division shall enforce all properly incorporated and delegated federal testing requirements at a minimum. The Division may use any credible evidence based on sampling, monitoring, and reporting to determine violations of applicable emissions limitations.

Rule 19.702 Air Emissions Sampling

Any stationary source subject to this rule shall be subject to the following requirements:

(A) Sampling Ports

The permittee shall provide any sampling ports, at the request of the Division, required for federally regulated air pollutant emissions sampling, including safe and easy access to the ports.

(B) Sampling

The permittee shall conduct federally regulated air pollutant emissions sampling, at the request of the Division, to determine the rate, opacity, composition, and/or air pollutant concentration of the emissions. All compliance testing shall be done at the expense of the permittee by an independent firm, unless otherwise approved by the Division. Sampling shall not be required for those air pollutants with continuous emissions monitors.

(C) Averaging Times

All compliance testing averaging times shall be consistent with the averaging times of the applicable federally regulated air pollutant emissions limitations stated in the applicable permit, which in no case shall be greater than the minimum averaging times of the applicable national ambient air quality standard.

(D) Process Rates

Unless otherwise approved by the Division, all federally regulated air pollutant emissions sampling shall be performed with the equipment being tested operating at least at ninety percent (90%) of its permitted capacity. Emissions results shall be extrapolated to correlate with one hundred percent (100%) of permitted capacity to determine compliance.

(E) Testing Time Frames

Any equipment that is to be tested, at the request of the Division, shall be tested in accordance with the following time frames:

(1) Equipment to be constructed or modified shall be tested within sixty (60) days after achieving its maximum permitted production rate, but no later than one hundred eighty days (180) days after its initial startup; and

(2) Equipment already operating shall be tested according to the time frames set forth by the Division.

(F) Testing Methods and Records

(1) The Division shall require that all applicable testing be performed using the methods described in 40 C.F.R. Part 51, Appendix M, 40 C.F.R. Part 60, Appendix A, 40 C.F.R. Part 61, Appendix B, and 40 C.F.R. Part 63, Appendix A.

(2) The Division, with the concurrence of the EPA, may approve, at its discretion, alternate sampling methods that are equivalent to the specified methods. The results of the tests shall be submitted to the Division within the time frames and on forms required by the Division and federal rules.

(3) The owner or operator of the stationary source shall retain the results of the tests for at least five (5) years, and shall make the results available to any agents of the Division or the EPA during regular business hours.

Rule 19.703 Continuous Emissions Monitoring

The owner or operator of any stationary source subject to Rule 19 shall, as required by federal law and upon request of the Division:

(A) Install, calibrate, operate, and maintain equipment to continuously monitor or determine federally regulated air pollutant emissions in accordance with applicable:

(1) Performance specifications in 40 C.F.R. Part 60 Appendix B as of February 27, 2014;

(2) Quality assurance procedures in 40 C.F.R. Part 60 Appendix F as of February 27, 2014; and

(3) Other methods and conditions that the Division, with the concurrence of the EPA, shall prescribe.

(4) The owner or operator of any stationary source listed in a category in 40 C.F.R. Part 51 Appendix P as of December 8, 1986, or in 40 C.F.R. Part 60 as of August 30, 1992, shall adhere to all continuous emissions monitoring or alternative continuous emission monitoring requirements stated therein, if applicable.

(B) Report the data collected by the monitoring equipment to the Division at intervals and on forms as the Division shall prescribe, in accordance with 40 C.F.R. Part 51, Appendix P, Section 4.0 (Minimum Data Requirements), and any other applicable reporting requirements promulgated by the EPA.

Rule 19.704 Notice of Completion

For each stationary source for which a new permit or equipment for which a permit major modification is required, the owner or operator of the stationary source shall notify the Division in writing within thirty (30) days of the following events;

(A) The date of commencement of construction or modification; and

(B) The date of commencement of operation of the equipment.

Rule 19.705 Record Keeping and Reporting Requirements

The owner or operator of any stationary source subject to Rule 19 shall, upon request by the Division:

(A) Maintain records on the nature and amounts of federally regulated air pollutants emitted to the air by the equipment in question. The owner or operator of the stationary source shall retain all records, including compliance status reports and excess emissions measurements for at least five (5) years, and these records shall be made available to any agent of the Division or EPA during regular business hours.

(B) Supply the following information, correlated in units of the applicable emissions limitations, to the Division:

(1) General process information related to the emissions of federally regulated air pollutants into the air;

(2) Emissions data obtained through sampling or continuous emissions monitoring;

(C) A responsible official shall submit information and data to the Division on forms and at time intervals as prescribed by applicable federal rules or the Division. The reporting period shall be a twelve-month period.

(D) Each emissions inventory shall be accompanied by a certifying statement, signed by the owner, operator, or both, that:

(1) Attests that the information contained in the inventory is true and accurate to the best knowledge of the certifying official; and

(2) Includes the full name, title, signature, date of signature, and telephone number of the certifying official.

Rule 19.706 Public Availability of Emissions Data

Emissions data obtained by the Division shall be correlated in units of applicable emissions limitations and be made available to the public at the Division’s central offices during normal business hours.

CHAPTER 8: 111(d) DESIGNATED FACILITIES

Rule 19.801 Purpose

This Chapter establishes standards of performance for designated pollutants emitted from designated facilities in accordance with § 111(d) of the Clean Air Act.

Rule 19.802 Permit Emissions Limitations

A person shall not cause or allow the standards of performance established in this Chapter to be exceeded. Future permit conditions may place more stringent emissions limitations on the stationary source that shall supersede the limitations of this Chapter.

Rule 19.803 [RESERVED]

Rule 19.804 Kraft Pulp Mills (TRS)

(A) Rule 19.804(B) and (C) and the total reduced sulfur emissions limitations contained in Table 19.8.1 are applicable to equipment located at the following kraft pulp mills:

(1) Evergreen Packaging (AFIN 35-00016);

(2) Green Bay Packaging, Arkansas Kraft Division (AFIN 15-00001);

(3) Mondi Pine Bluff (AFIN 35-00017);

(4) Georgia-Pacific Corporation (AFIN 02-00013);

(5) Domtar A.W. (AFIN 41-00002);

(6) Clearwater Paper Corporation (AFIN 21-00036);

(B) The owner or operator of designated facilities listed in Table 19.8.1 shall test compliance with total reduced sulfur emissions limitations using EPA Method 16 at intervals of no longer than five (5) years following the previous compliance test. Data reduction shall be performed as set forth in 40 C.F.R. § 60.8. Compliance testing is not required for equipment with a total reduced sulfur continuous emissions monitor.

(C) The owner or operator of any equipment located at the designated facilities specified under Rule 19.804(A) shall conduct total reduced sulfur continuous monitoring in accordance with the requirements of 40 C.F.R. § 60.284 (date of installation notwithstanding). The continuous monitoring systems shall be operated according to the provisions of 40 C.F.R. § 60.284 by April 1, 1993, except that continuous emissions monitors for affected lime kilns shall be installed and certified by January 1, 1994.

|  |
| --- |
| Table 19.8.1 Kraft Pulp Mill TRS Emission Limits |
| AFIN | Facility | Equipment | TRS Concentration (parts per million [ppm]) |
| 35-00016 | Evergreen Packaging | recovery furnace | Forty (40) parts per million |
| lime kiln | Forty (40) parts per million |
| smelt dissolving tank | 0.0168 grams per kilogram |
| 15-00001 | Green Bay Packaging, Arkansas Kraft Division | recovery furnace | Forty (40) parts per million |
| lime kiln | Forty (40) parts per million |
| smelt dissolving tank | 0.0168 grams per kilogram |
| 35-00017 | Mondi Pine Bluff | recovery furnace | One hundred (100) parts per million |
|  | lime kiln | Forty (40) parts per million |
| smelt dissolving tank | 0.0168 grams per kilogram |
|  |  |
| 02-00013 | Georgia Pacific Corporation  | recovery furnace | Five parts per million |
|  | lime kiln | Eight parts per million |
| smelt dissolving tank | 0.0168 grams per kilogram |
| 41-00002 | Domtar A.W. | recovery furnace | five parts per million |
|  | lime kiln | Eight parts per million |
| smelt dissolving tank | 0.0168 grams per kilogram |
| 21-00036 | Clearwater Paper Corporation | recovery furnace | Five parts per million |
|  | lime kiln | Twenty parts per million |
| smelt dissolving tank | 0.0168 grams per kilogram |

Recovery Furnaces–measured as hydrogen sulfide on a dry basis and on a twelve-hour average, corrected to eight percent (8%) by volume oxygen.

Lime Kilns–measured as hydrogen sulfide on a dry basis and on a twelve-hour average, corrected to ten percent (10%) volume oxygen.

Smelt Dissolving Tanks–measured as grams hydrogen sulfide per kilogram black liquor solids on a twelve-hour average.

Digesters and Evaporators–efficient incineration of non-condensable gases (at least twelve hundred degrees Fahrenheit [1200°F] for at least one-half (0.5) of a second).

Rule 19.805 Municipal Solid Waste Landfills

(A) Rule 19.805 applies to the following designated municipal solid waste landfills:

 (1) Little Rock Municipal Landfill (AFIN 60-01071)

 (2) Cherokee Village Landfill (AFIN 25-0028)

 (3) Two Pine Landfill (60-00438)

 (4) Jefferson County Landfill (35-00170)

(5) Ozark Ridge Landfill (75-00046)

(6) City of Conway Sanitary Landfill (23-00010)

(7) Northeast Arkansas Regional Solid Waste District (28-00077)

(8) Fort Smith Sanitary Landfill (66-00226)

(9) Craighead County Solid Waste Disposal (16-00199)

(10) Saline County Regional Waste Management District Landfill (63-00155)

(11) Union County Recycling and Disposal (70-00364)

(12) Modelfill Landfill (60-00565)

(B) The definitions under 40 CFR § 62.730 are incorporated by reference, except that Administrator means the Division.

(C) The owner or operator of a municipal solid waste landfill listed in Rule 19.805(A) shall comply with:

(1) Compliance schedules and increments of progress provisions under 40 CFR § 62.712 and Table 1 to subpart OOO of Part 62, which are hereby incorporated by reference;

(2) Standards of performance for designated municipal solid waste landfill emissions under 40 CFR § 62.714, which are hereby incorporated by reference;

(3) Operational standards for collection and control systems under 40 CFR § 62.716, which are hereby incorporated by reference;

(4) Test methods and procedures under 40 CFR § 62.718, which are hereby incorporated by reference;

(5) Compliance provisions under 40 CFR § 62.720, which are hereby incorporated by reference;

(6) Monitoring provisions under 40 CFR § 62.722, which are hereby incorporated by reference;

(7) Reporting guidelines under 40 CFR § 62.724, which are hereby incorporated by reference;

(8) Recordkeeping guidelines under 40 CFR § 62.726, which are hereby incorporated by reference; and

(9) Specifications for active collection systems, if used, under 40 CFR § 62.728; which are hereby incorporated by reference.

CHAPTER 9: PREVENTION OF SIGNIFICANT DETERIORATION

Rule 19.901 [RESERVED]

Rule 19.902 Purpose and Authority

(A) Promulgation and enforcement of this Chapter is intended to further the purposes of the state implementation plan and Rule 19, including without limitation, acceptance of delegation by the EPA of authority for enforcement of rules governing the prevention of significant deterioration of air quality and rules governing the protection of visibility in mandatory Class I federal areas.

(B) In the absence of a specific imposition of responsibility or grant of authority, the Division shall be deemed to have that responsibility and authority necessary to attain the purposes of the state implementation plan, this Chapter, and the applicable federal rules, as incorporated herein by reference.

Rule 19.903 Definitions

The following definitions apply to this Chapter:

(A) “Advance notification” (of a permit application) means any written communication, other than a general inquiry about the Commission’s Rules, that:

(1) Establishes the applicant's intention to construct;

(2) Provides the Division with sufficient information to determine that the proposed stationary source may constitute a new major source or major modification and whether the stationary source may affect any mandatory Class I federal area;and

(3) Includes without limitation:

(a) Submittal of a draft or partial permit application;

(b) A prevention of significant deterioration monitoring plan; or

(c) A sufficiently detailed letter.

(B) “Regulated new source review pollutant,” means:

(1) Any air pollutant for which a national ambient air quality standard has been adopted under Chapter 2 of Rule 19 and any air pollutant identified under Rule 19.903(B)(1) as a constituent or precursor for the air pollutant. Precursors identified by the Division for purposes of new source review are the following:

(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(b) Sulfur dioxide is a precursor to PM2.5 in all attainment and unclassifiable areas.

(c) Nitrogen oxides are presumed to be precursors to PM2.5 in all attainment and unclassifiable areas, unless Arkansas demonstrates to the Administrator’s satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area’s ambient PM2.5 concentrations.

(d) Volatile organic compounds are presumed not to be precursors to PM2.5 in any attainment or unclassifiable area, unless Arkansas demonstrates to the Administrator’s satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area’s ambient PM2.5 concentrations.

(2) Any air pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act as of the effective date of Rule 19;

(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act;

(4) Any air pollutant that otherwise is subject to regulation under the Clean Air Act;

(5) Regulated new source review pollutantdoes not mean hazardous air pollutants either listed in Section 112 of the Clean Air Act, or added to the list pursuant to Section 112(b)(2) of the Clean Air Act, and which have not been delisted pursuant to Section 112(b)(3) of the Clean Air Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general air pollutant listed under federal rules pursuant to § 108 of the Clean Air Act; and

(6) PM2.5 emissions and PM10 emissions shall include gaseous emissions from a stationary source or activity that condense to form particulate matter at ambient temperatures.

(a) Except as provided by Rule 1.903(B)(6)(b), condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM2.5, and PM10 in prevention of significant deterioration permits.

(b) Compliance with emissions limitations for PM2.5, and PM10 issued prior to December 24, 2012 shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable state implementation plan. Applicability determinations made prior to December 24, 2012 without accounting for condensable particulate matter shall not be considered in violation of this Chapter.

(C) “Subject to regulation” means, for any air pollutant, that the air pollutant is subject to either a provision of the Clean Air Act, or a nationally-applicable rule codified by the Administrator pursuant to 40 C.F.R., Chapter 1, Subchapter C and adopted in Rule 19, that requires actual control of the quantity of emissions of that air pollutant and that the control requirement has taken effect and is operative to control, limit, or restrict the quantity of emissions of that air pollutant released from the regulated activity.

(D) All other terms used in this Chapter shall have the same meaning as set forth in Chapter 2 of Rule 19 or in 40 C.F.R. § 52.21(b) [Prevention of Significant Deterioration] and 40 C.F.R. § 51.301 [Protection of Visibility] as of the effective date of Rule 19, and adopted in Rule 19.904, unless manifestly inconsistent with the context in which they are used. Wherever there is a difference between the definitions in Chapter 2 of Rule 19 and those listed in 40 C.F.R. § 52.21(b) and C.F.R. § 51.301, the federal definitions as listed in 40 C.F.R. § 52.21(b), as adopted in Rule 19.904 and Rule 19.903(A), (B) and (C), and 40 C.F.R. § 51.301 as of the effective date of Rule 19, shall apply.

(E) The definition for “routine maintenance, repair and replacement” in 40 C.F.R. § 52.21(b)(2)(iii)(a) is not incorporated.

Rule 19.904 Adoption of Rules

(A) Except where manifestly inconsistent with the provisions of the Clean Air Act, as amended, or with federal regulations adopted pursuant thereto, and as amended specifically herein by paragraphs (B), (C), (D), (E), (F), and (G) of Rule 19.904, the Division shall have those responsibilities and that authority, with reference to the State, granted to the Administrator of the EPA under 40 C.F.R. § 52.21 (a)(2) through (bb), which are hereby incorporated herein by reference as in effect as of the effective date of Rule 19 with the exception of:

(1) [Reserved]

(2) [Reserved]

(3) [Reserved]

(4) [Reserved]

(5) 40 C.F.R. §§ 52.21(b)(49), 52.21(b)(50), 52.21(b)(55-58), 52.21(i)(9), and 52.21(cc), which are not incorporated herein.

(B) Exclusions from the consumption of increments, as provided in 40 C.F.R. § 51.166(f)(1)(iii) as of November 29, 2005, shall be effective immediately. Submission of the state implementation plan under the Governor's signature constitutes a request by the Governor for this exclusion.

(C) In addition to the requirements of 40 C.F.R. § 52.21(o), the following requirements [designated as Rule 19.904(C)(1),(2),(3) and (4)] shall also apply:

(1) Where air quality impact analyses required under this Chapter indicate that the issuance of a permit for any major source or for any major modification would result in the consumption of more than fifty percent (50%) of any available annual increment or eighty percent (80%) of any short term increment, the owner or operator of a stationary source that applies for a permit shall submit to the Division an assessment of the following factors:

(a) Effects that the proposed increment consumption would have upon the industrial and economic development within the area of the proposed stationary source; and

(b) Alternatives to the proposed increment consumption, including alternative siting of the proposed stationary source or portions thereof.

(2) The assessment required under Rule 19.904(C)(1) shall be made part of the application for permit and shall be made available for public inspection as provided in 40 C.F.R. § 52.21(q).

(3) The assessment required under Rule 19.904(C)(1) shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of increment consumed and the area affected.

(4) The assessment required under Rule 19.904(C)(1) may be made effective where a proposed source would cause an increment consumption less than that specified in Rule 19.904(C)(1) if the Director finds that unusual circumstances exist in the area of the proposed stationary source that warrant assessment. The Director shall notify the applicant in writing of those circumstances that warrant assessment. The Commission may rescind or modify the Director's action, upon a showing by the applicant that the circumstances alleged by the Director either do not exist or do not warrant the assessment under Rule 19.904(C)(1).

(D) In addition to the requirements of 40 C.F.R. § 52.21(p)(1), the following requirements shall also apply:

(1) Impacts on mandatory Class I federal areas include impacts on visibility.

(2) The Division shall make a preliminary determination that a stationary source may affect air quality or visibility in a mandatory Class I federal area based on screening criteria agreed upon by the Division and the Federal Land Manager.

(E) For the purposes of paragraph (A) of Rule 19.904, any reference to the Administrator or the Environmental Protection Agency in 40 C.F.R. § 51.301 and 40 C.F.R. § 52.21 means the Division unless the context plainly dictates otherwise, except in the following sections:

(1) Exclusion from increment consumption: 40 C.F.R. §§ 52.21(f)(1)(v), (f)(3), and (f)(4)(I);

(2) Redesignation: 40 C.F.R. §§ 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6);

(3) Air quality models: 40 C.F.R. § 52.21(l)(2).

(F) Redesignation of air quality areas in Arkansas shall comply with Ark. Code Ann.§ 8-3-101 *et seq*.

(G) For the purpose of the regulation of greenhouse gases, only the standards and requirements promulgated by EPA as of August 19, 2015, related to the permitting of greenhouse gas emissions shall apply to the requirements of 40 C.F.R. § 52.21 incorporated by reference at Rule 19.904(A). The following definitions and requirements shall also apply:

(1) Greenhouse gases shall not be subject to regulation except as provided in Rule 19.904(G)(4), and shall not be subject to regulation if the stationary source:

(a) Maintains its total plant-wide emissions below the greenhouse gases plant-wide applicability limitations level;

(b) Meets the requirements in 40 § C.F.R 52.21(aa)(1) through 40 C.F.R. § 52.21(aa)(15) as outlined in Rule 19.904(A)(1); and

(c) Complies with the greenhouse gases plant-wide applicability limitations contained in the permit.

(2) For purposes of Rule 19.904(G)(3):

(a) Tons per year of CO2 equivalent emissionsrepresents an amount of greenhouse gases emitted, and shall be computed as follows:

(i) Multiply the mass amount of emissions in tons per year, for each of the six gases in the pollutant greenhouse gases, by each gas’s associated global warming potential published at Table A-1 to Subpart A of 40 C.F.R. Part 98—Global Warming Potentials; and

(ii) Sum the resultant values from Rule 19.904(G)(2)(a) for each gas to compute tons per year of CO2 equivalent emissions.

(3) The term “emissions increase” as used in Rule 19.904(G)(4) means that:

(a) A significant emissions increase (as calculated using the procedures in 40 C.F.R. § 52.21(a)(2)(iv)), and

(b) A significant net emissions increase (as defined in 40 C.F.R. § 52.21(b)(3)and 40 C.F.R. § 52.21(b)(23)), occur.

(c) For greenhouse gases, an emissions increase shall be:

(i) Based on tons per year of CO2 equivalent emissions,

(ii) Calculated assuming greenhouse gases are regulated new source review pollutant, and

(iii) “Significant” if the calculated value is seventy-five thousand (75,000) tons per year of CO2 equivalent emissions. 40 C.F.R. § 52.21(b)(23)(ii) does not apply to the meaning of the term “significant” for greenhouse gases.

(4) Greenhouse gases are subject to regulation if:

(a) The stationary source is a new major source for a regulated new source review pollutant that is not greenhouse gases, and also emits or has the potential to emit greenhouse gases at seventy-five thousand (75,000) tons per year or more of CO2 equivalent emissions; or

(b) The stationary source is an existing major source for a regulated new source review pollutant that is not greenhouse gases, and also will have an emissions increase of a regulated new source review pollutant, and an emissions increase of greenhouse gases of seventy-five thousand (75,000) tons per year or more of CO2 equivalent emissions.

CHAPTER 10: [RESERVED]

CHAPTER 11: Part 70 SOURCE PERMITTING PROCEDURES

An owner or operator of a Part 70 source subject to Rule 26 shall be required to have their permit applications processed in accordance with the procedures contained in Rule 26, and these procedures are incorporated by reference.

CHAPTER 12: [RESERVED]

CHAPTER 13: STAGE I VAPOR RECOVERY

Rule 19.1301 Purpose

This Chapter limits emissions of volatile organic compounds from gasoline stored in stationary dispensing tanks and from gasoline delivered into stationary dispensing tanks in areas that EPA has designated to be in nonattainment with the ozone national ambient air quality standard.

Rule 19.1302 Applicability

This Chapter applies to:

(A) Gasoline dispensing facilities, including gasoline service stations located in an ozone nonattainment area;

(B) Delivery vessels that deliver gasoline to a gasoline dispensing facility in an ozone nonattainment area; and

(C) The owner or operator of a gasoline dispensing facility in an ozone nonattainment area.

Rule 19.1303 Definitions

(A) “Coaxial vapor recovery system”means a system for the delivery of the gasoline to a stationary storage tank and the recovery of vapors from the stationary storage tanks that occurs through a single coaxial fill tube, which is a tube within a tube. Gasoline is delivered through the inner tube, and vapor is recovered through the annular space between the walls of the inner tube and outer tube.

(B) “Delivery vessel”means a tank truck or trailer equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.

(C) “Dual point vapor recovery system”means a system for the delivery of gasoline to the stationary storage tank and the recovery of vapors from the stationary storage tank that occurs through two separate openings in the storage tank and two separate hoses between the tank truck and the stationary storage tank.

(D) “Gasoline”means any petroleum distillate or blend of petroleum distillates with other combustible liquids that is used as a fuel for internal combustion engines and has a Reid vapor pressure of four (4.0) pounds-force per square inch or greater. This does not include diesel fuel or liquefied petroleum gas.

(E) “Gasoline dispensing facility”means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(F) “Gasoline service station”means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.

(G) “Independent small business marketer” means a person engaged in the marketing of gasoline unless the person:

(1) Is a refiner; controls, is controlled by, or is under common control with a refiner; is directly or indirectly affiliated with a refiner, or is directly or indirectly affiliated with a person who controls, is controlled by, or is under common control with a refiner, where:

(a) Control means ownership of more than fifty percent (50%) of the stock in a corporation; and

(b) For the purposes of this definition, the affiliation is more than:

(i) A supply contract; or

(ii) An agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by the refiner or person; or

(2) Receives less than fifty percent (50%) of his or her annual income from refining or marketing of gasoline.

(H) “Leak free” means that there is no liquid gasoline escape or seepage of more than three (3) drops per minute from gasoline storage, handling, and ancillary equipment, including without limitation, seepage and escapes from above ground fittings.

(I) “Line”means any pipe suitable for transferring gasoline.

(J) “Ozone nonattainment area” means a county or counties designated by EPA as not meeting the national ambient air quality standard for ozone.

(K) “Operator”means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.

(L) “Owner” means any person who has legal or equitable title to the gasoline storage tank at a facility.

(M) “Poppeted vapor recovery adaptor”means a vapor recovery adaptor that automatically and immediately closes itself when the vapor return line is disconnected and maintains a tight seal when the vapor return line is not connected.

(N) “Refiner” means any person whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, the refiner) exceeds sixty-five thousand (65,000) barrels per day.

(O) “Stationary storage tank”means a gasoline storage container that is a permanent fixture.

(P) “Submerged fill pipe”means any fill pipe with a discharge opening that is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid, or that is entirely submerged when the level of the liquid is:

1. Six (6) inches above the bottom of the tank if the tank does not have a vapor recovery adaptor; or
2. Twelve (12) inches above the bottom of the tank if the tank has a vapor recovery adaptor. If the opening of the submerged fill pipe is cut at a slant, the distance is measured from the top of the slanted cut to the bottom of the tank.

(Q) “Throughput”means the amount of gasoline dispensed at a facility.

(R) “Unpoppeted vapor recovery adaptor” means a vapor recovery adaptor that does not have a mechanism to automatically close itself when the vapor return line is disconnected.

(S) “Vapor recovery system” means a system by which volatile organic compounds from gasoline are captured instead of being released into the atmosphere.

(T) “Vapor tight” means a condition in which an organic vapor analyzer or a combustible gas detector at a potential volatile organic compounds leak source shows either less than ten thousand (10,000) parts per million when calibrated with methane, or less than twenty percent (20%) of the lower explosive limit when calibrated and operated according to the manufacturer’s specifications.

Rule 19.1304 Exemptions

 Rule 19 does not apply to:

(A) Transfers made to storage tanks at gasoline dispensing facilities or gasoline service stations equipped with floating roofs or their equivalent;

(B) Stationary storage tanks with a capacity of not more than five hundred fifty (550) gallons, if the tanks are equipped with a submerged fill pipe;

(C) Stationary storage tanks used exclusively for the fueling of implements of normal farm operations;

(D) Facilities selling less than ten thousand (10,000) gallons of gasoline per month;

(E) Independent small business marketers of gasoline selling less than fifty thousand (50,000) gallons per month; and

(F) Any other facility or use exempted by State or federal statute.

Rule 19.1305 Prohibited Activities

A person shall not cause or allow the transfer of gasoline from any delivery vessel into any stationary storage tank unless such transfer complies with the following requirements:

(A) The stationary storage tank is equipped with a submerged fill pipe and the vapors displaced from the tank during filling are controlled by a vapor control system as described in Rule 19.1308;

(B) The vapor recovery system is in good working order and is connected and operating with a vapor tight connection;

(C) The vapor recovery system is properly maintained and any damaged or malfunctioning components or elements of design have been repaired, replaced, or modified;

(D) Gauges, meters, or other specified testing devices are maintained in proper working order;

(E) All loading lines and vapor lines of delivery vessels and vapor collection systems are equipped with fittings which are leak tight and vapor tight;

(F) All hatches on the delivery vessel are kept closed and securely fastened; and

(G) The stationary storage tank has been tested, no less than annually, on a schedule acceptable to the Director according to the test methods required under Rule 19.1311.

Rule 19.1306 Record Keeping

The owner or operator of a gasoline dispensing facility shall maintain the following records for not less than two (2) years and the records shall be made available for inspection by the Division:

(A) The scheduled date for maintenance and testing, and the date that a malfunction was detected;

(B) The date the maintenance and testing was performed or the malfunction corrected;

(C) The date a component or element of design of the vapor recovery system was repaired, replaced, or modified; and

(D) Monthly totals of gallons of gasoline sold by the gasoline dispensing facility.

Rule 19.1307 Inspections

(A) The premises of any gasoline dispensing facility or gasoline service station shall be available for inspection by representatives of the Division.

(B) The process of transfer of gasoline from any delivery vessel into any stationary storage tank shall be subject to observation and inspection by representatives of the Division.

Rule 19.1308 Vapor Recovery Systems

(A) The vapor recovery system required by Rule 19.1305 shall include one (1) or more of the following:

(1) A vapor-tight line from the stationary storage tank to the delivery vessel and:

(a) For a coaxial vapor recovery system, either a poppeted vapor recovery adaptor or unpoppeted vapor recovery adaptor;

(b) For a dual point vapor recovery system, a poppeted vapor recovery adaptor;

(2) A refrigeration-condensation system or equivalent designed to recover or destroy at least ninety percent (90%) by weight of the organic compounds in the displaced vapor.

(B) If an unpoppeted vapor recovery adaptor is used, the tank liquid fill connection shall remain covered either with a vapor-tight cap or a vapor return line except when the vapor return line is being connected or disconnected.

(C) If an unpoppeted vapor recovery adaptor is used, the unpoppeted vapor recovery adaptor shall be replaced with a poppeted vapor recovery adaptor when the tank is replaced or upgraded.

(D) Where vapor lines from the storage tanks are manifolded, poppeted vapor recovery adapters shall be used. No more than one (1) tank is to be loaded at a time if the manifold vapor lines have a nominal pipe size of less than three (3) inches. If the manifold vapor lines have a nominal pipe size of three (3) inches or larger, then two (2) tanks at a time may be loaded.

(E) Vent lines on stationary storage tanks shall have pressure release valves or restrictors.

Rule 19.1309 Gasoline Delivery Vessels

A gasoline delivery vessel delivering gasoline to gasoline dispensing facilities in a county designated as nonattainment for the ozone national ambient air quality standard shall meet the following requirements:

(A) The gasoline delivery vessel shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport;

(B) The gasoline delivery vessel shall be tested, no less than annually, on a schedule acceptable to the Director according to the test methods required under Rule 19.1311;

(C) Gasoline delivery vessels shall sustain a pressure change of no more than seven hundred fifty (750) pascals (three [3] inches of H2O) in five (5) minutes when pressurized to a gauge pressure of four thousand five hundred (4,500) pascals (eighteen [18] inches of H2O) or evacuated to a gauge pressure of one thousand five hundred (1,500) pascals (six [6] inches of H2O) during testing.

Rule 19.1310 Owner or Operator Responsibility

(A) The owner or operator of a gasoline dispensing facility or gasoline service station shall assure compliance with this Chapter and disallow the transfer from any delivery vessel that does not comply with requirements of Rule 19.309.

(B) The owner, operator, and driver of a delivery vessel shall assure compliance with this Chapter and shall refuse to transfer from any delivery vessel that does not comply with requirements of Rule 19.1309.

(C) The owner or operator of a gasoline dispensing facility shall properly maintain, repair, replace, modify, and test the vapor recovery system components of stationary storage tanks as required under this Chapter.

(D) The owner or operator of a gasoline dispensing facility, gasoline service station, or gasoline delivery vehicle shall repair and retest equipment within fifteen (15) days of a test that exceeds the limitations of Rule 19.

Rule 19.1311 Test Methods

(A) Test method for leak detection:

(1) Within four (4) hours prior to monitoring, the organic vapor analyzer or combustible gas detector shall be suitably calibrated in a manner and with the gas specified by the manufacturer for twenty percent (20%) of the lower explosive limit response, or calibrated with methane for a ten thousand (10,000) parts per million response.

(2) The probe inlet shall be two and one-half (2.5) centimeters or less from the potential leak source when searching for leaks.

(3) The highest detector reading and location for each incident of detected leakage shall be recorded, along with the date, time and name of the person performing the testing. If gasoline vapor is not detected, that fact shall be recorded.

(B) Control efficiency of vapor recovery systems and vapor collection/processing systems shall be determined according to EPA Method 2A and either EPA Method 25A or 25B. EPA Method 2B shall be used for vapor incineration devices.

(C) Vapor pressure of gasoline shall be determined using American Society for Testing and Materials (ASTM) Method D323-94 or ASTM Method D4953-93. Method D323-94 shall be used for gasoline either containing no oxygenates or MTBE (methyl ethyl butyl ether) as the sole oxygenate. Method D-4953-93 shall be used for oxygenated gasoline.

Rule 19.1312 Effective Date

(A) The requirements of Rule 19 are effective within ozone nonattainment areas one (1) year after the designation by EPA of an area as an ozone nonattainment area.

(B) In the case of an independent small business marketer with sales of fifty thousand (50,000) gallons or more per month, the requirements of this Chapter shall be phased-in as follows:

(1) Thirty-three percent (33%) of facilities shall be in compliance at the end of the first year;

(2) Sixty-six percent (66%) at the end of the second year; and,

(3) One hundred percent (100%) at the end of the third year.

CHAPTER 14: [RESERVED]

CHAPTER 15: Best Available Retrofit Technology

Rule 19.1501 Purpose

This Chapter establishes certain best available retrofit control technology requirements and compliance provisions pursuant to the 40 CFR § 51.308 as of June 22, 2007.

Rule 19.1502 Definitions

For purposes of this Chapter, the definitions contained in 40 C.F.R. § 51.301 as in effect on June 22, 2007, are incorporated by reference.

Rule 19.1503 [RESERVED]

Rule 19.1504 [RESERVED]

Rule 19.1505 Best Available Retrofit Technology Requirements

(A) SWEPCO Flint Creek Power Plant (AFIN 04-00107) shall comply with best available retrofit technology requirements for particulate matter at SN-01 by meeting the existing permitted particulate matter emission limit as of October 15, 2007.

(B) [RESERVED]

(C) [RESERVED]

(D) [RESERVED]

(E) Entergy Arkansas, Inc. White Bluff (AFIN 35-00110) shall comply with best available retrofit technology requirements for particulate matter at Unit 1 (SN-01) and Unit 2 (SN-02) by meeting existing permitted particulate matter emission limits for the respective units as of October 15, 2007.

(F) [RESERVED]

(G) [RESERVED]

(H) Entergy Arkansas, Inc. White Bluff (AFIN 35-00110) shall comply with best available retrofit technology requirements for particulate matter at Unit 1 (SN-01) and Unit 2 (SN-02) by meeting existing permitted particulate matter emission limits for the respective units as of October 15, 2007.

(I) [RESERVED]

(J) [RESERVED]

(K) [RESERVED]

(L) Entergy Arkansas, Inc. Lake Catherine (AFIN 30-00011) shall comply with best available retrofit technology requirements for particulate matter when burning natural gas at Unit 4 Boiler (SN-03) by meeting the existing permitted particulate matter emission limit as of October 15, 2007.

(M) [RESERVED]

Rule 19.1506 Compliance Provisions

The owner or operator of each stationary source subject to Rule 19.1505 shall:

(A) Comply with the applicable emission limit as expeditiously as practicable, but in no event later than five (5) years after EPA approval of the emission limit into the Arkansas state implementation plan;

(B) Properly operate and maintain the control equipment necessary to comply with the applicable emission limitations set forth in Rule 19.1505;

(C) Establish and implement procedures to ensure that the control equipment necessary to comply with the applicable emission limitations set forth in Rule 19.1505 is properly operated and maintained; and

(D) Demonstrate compliance with the applicable emission limitations listed in Rule 19.1505 in accordance with the provisions of Chapter 7 of Rule 19.

Rule 19.1507 [RESERVED]

CHAPTER 16: [RESERVED]

Rule 19.1601 [RESERVED]

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

RULE 19

APPENDIX A

Insignificant Activities List

APPENDIX A: INSIGNIFICANT ACTIVITIES LIST

The following types of activities or emissions are deemed insignificant on the basis of size, emission rate, production rate, or activity. Certain listed activities include qualifying statements intended to exclude many similar activities. By listing these activities, the Division exempts the owner or operator of certain stationary sources or types of stationary sources from the requirements to obtain a permit or plan under this rule for the listed activity. Listing in Appendix A has no effect on any other law to which the activity may be subject. Any activity for which a State or federal applicable requirement applies (including without limitation a new source performance standard, a national emission standard for hazardous air pollutants, or maximum achievable control technology) is not an insignificant activity, even if this activity meets the criteria for Group A or Group B.

**Group A**

The emission units, operations, or activities included in Group A shall either be listed as an insignificant activity or included in the permit application as a stationary source or emissions unit to be permitted. The ton-per-year applicability levels are for all stationary sources and emissions units listed in the categories (i.e., cumulative total).

1. Fuel burning equipment with a design rate less than ten (10) million metric British thermal units per hour if the aggregate air pollutant-specific emissions from all units listed as insignificant do not exceed five (5) tons per year of any combination of hazardous air pollutants and ten (10) tons per year of any other air pollutant.

2. Storage tanks less than or equal to two hundred fifty (250) gallons storing organic liquids having a true vapor pressure less than or equal to three and one-half (3.5) pounds-force per square inch absolute if the aggregate air pollutant-specific emissions from all liquid storage tanks listed as insignificant do not exceed five (5) tons per year of any combination of hazardous air pollutants and ten (10) tons per year of any other air pollutant.

3. Storage tanks less than or equal to ten thousand (10,000) gallons storing organic liquids having a true vapor pressure less than or equal to one-half (0.5) pounds-force per square inch absolute if the aggregate air pollutant-specific emissions from all liquid storage tanks listed as insignificant do not exceed five (5) tons per year of any combination of hazardous air pollutants and ten (10) tons per year of any other air pollutant.

4. Caustic storage tanks that contain no volatile organic compounds.

5. Emissions from laboratory equipment, including vents, used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes if the aggregate air pollutant-specific emissions from all laboratory equipment considered insignificant do not exceed five (5) tons per year of any combination of hazardous air pollutants and ten (10) tons per year of any other air pollutant.

6. Non-commercial water washing operations of empty drums less than or equal to fifty-five (55) gallons with less than three percent (3%) of the maximum container volume of material.

7. Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of hazardous air pollutants in excess of one-tenth (0.1) tons per year.

8. Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable volatile organic compounds or hazardous air pollutants when closed. This includes filling, blending, or mixing of the contents of the containers by a retailer.

9. Equipment used for surface coating, painting, dipping, or spraying operations if the material used contains no more than four-tenths (0.4) a pound per gallon volatile organic compounds, contains no hexavalent chromium, and emits no more than one-tenth (0.1) a ton per year of all other hazardous air pollutants.

10. Non-production equipment approved by the Division, used for waste treatability studies or other pollution prevention programs if the emissions are less than:

(a) Ten (10) tons per year of any air pollutant regulated under Rule 19;

(b) Less than two (2) tons per year of a single hazardous air pollutant; or

(c) Five (5) tons per year of any combination of hazardous air pollutants.[[1]](#footnote-1)

11. Operation of groundwater remediation wells, including emissions from the pumps and collection activities but not air-stripping or storage, if the emissions are less than:

(a) Ten (10) tons per year of any air pollutant regulated under Rule 19;

(b) Two (2) tons per year of a single hazardous air pollutant; or

(c) Five (5) tons per year of any combination of hazardous air pollutants.

12. An emergency use generator, boiler, or other fuel burning equipment, with the exception of generators that provide electricity to the distribution grid, that:

(a) Is of equal or smaller capacity than the primary operating unit;

(b) Cannot be used in conjunction with the primary operating unit; and

(c) Does not emit or have the potential to emit federally regulated air pollutant in excess of the primary operating unit and not operated more than ninety (90) days a year.

13. Other activities for which the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or rule if the sum of the emissions of all the activities listed under Group A are less than:

(a) One (1) tons per year of a single hazardous air pollutant;

(b) Two and one-half (2.5) tons per year of any combination of hazardous air pollutants; or

(c) Five (5) tons per year of any other air pollutant regulated under Rule 19.

**Group B**

The emissions units, operations, or activities listed in Group B do not need to be included in a permit application:

1. Combustion emissions from propulsion of mobile sources and emissions from refueling these mobile sources unless regulated by Title II and required to obtain a permit under Title V of the Clean Air Act. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or fueling operations covered under any applicable federal requirements;

2. Air conditioning and heating units used for comfort that do not have applicable requirements under Title VI of the Clean Air Act;

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process;

4. Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.;

5. Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction;

6. Janitorial services and consumer use of janitorial products;

7. Internal combustion engines used for landscaping purposes;

8. Laundry activities, except for dry-cleaning and steam boilers;

9. Bathroom/toilet emissions;

10. Emergency (backup) electrical generators at residential locations;

11. Tobacco smoking rooms and areas;

12. Blacksmith forges;

13. Maintenance of grounds or buildings, including: lawn care, weed control, pest control, and water washing activities;

14. Repair, up-keep, maintenance, or construction activities not related to the stationary source’s primary business activity, and not otherwise triggering a permit modification. This may include without limitation general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory or insulation, brazing, soldering, the use of adhesives, grinding, and cutting;[[2]](#footnote-2)

15. Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any stationary source whose primary business activity is surface-coating or includes surface-coating or products;

16. Portable electrical generators that can be “moved by hand” from one location to another;[[3]](#footnote-3)

17. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;

18. Brazing or soldering equipment related to manufacturing activities that do not result in emission of hazardous air pollutants;[[4]](#footnote-4)

19. Air compressors and pneumatically operated equipment, including hand tools;

20. Batteries and battery charging stations, except at battery manufacturing plants;

21. Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any volatile organic compounds or hazardous air pollutants;[[5]](#footnote-5)

22. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and no volatile aqueous salt solutions, if appropriate lids and covers are used and appropriate odor control is achieved;

23. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved;

24. Drop hammers or presses for forging or metalworking;

25. Equipment used exclusively to slaughter animals, but not including other equipment at slaughter-houses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

26. Vents from continuous emissions monitors and other analyzers;

27. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;

28. Hand-held applicator equipment for hot melt adhesives with no volatile organic compounds in the adhesive;

29. Lasers used only on metals and other materials which do not emit hazardous air pollutants in the process;

30. Consumer use of paper trimmers/binders;

31. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;

32. Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by Rule 19;

33. Laser trimmers using dust collection to prevent fugitive emissions;

34. Bench-scale laboratory equipment used for physical or chemical analysis not including lab fume hoods or vents;

35. Routine calibration and maintenance of laboratory equipment or other analytical instruments;

36. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis;

37. Hydraulic and hydrostatic testing equipment;

38. Environmental chambers not using hazardous air pollutant gases;

39. Shock chambers, humidity chambers, and solar simulators;

40. Fugitive emissions related to movement of passenger vehicles, if the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted;

41. Process water filtration systems and demineralizers;

42. Demineralized water tanks and demineralizer vents;

43. Boiler water treatment operations, not including cooling towers;

44. Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to Section 112(r) of the Clean Air Act, for use in cooling towers, drinking water systems, and boiler water/feed systems;

45. Oxygen scavenging (de-aeration) of water;

46. Ozone generators;

47. Fire suppression systems;

48. Emergency road flares;

49. Steam vents and safety relief valves;

50. Steam leaks;

51. Steam cleaning operations;

52. Steam and microwave sterilizers;

53. Site assessment work to characterize waste disposal or remediation sites;

54. Miscellaneous additions or upgrades of instrumentation;

55. Emissions from combustion controllers or combustion shutoff devices but not combustion units itself;

56. Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of such vehicles (i.e., antifreeze, fuel additives);

57. Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps;

58. Emissions from equipment lubricating systems (i.e., oil mist), not including storage tanks, unless otherwise exempt;

59. Residential wood heaters, cookstoves, or fireplaces;

60. Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation;

61. Log wetting areas and log flumes;

62. Periodic use of pressurized air for cleanup;

63. Solid waste dumpsters;

64. Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks;

65. Natural gas odoring activities unless the Division determines that emissions constitute air pollution;

66. Emissions from engine crankcase vents;

67. Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release;

68. Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds where all materials charged are in paste form;

69. Mixers, blenders, roll mills, or calendars for rubber or plastic for which no materials in powder form are added and in which no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted;

70. The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion offsite (this applies to the equipment only);

71. Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic derived biosolids and inorganic materials such as lime, ash, or sand;

72. Tall oil soap storage, skimming, and loading;

73. Water heaters used strictly for domestic (non-process) purposes;

74. Facility roads and parking areas, unless necessary to control offsite fugitive emissions;

75. Agricultural operations, including onsite grain storage, not including internal combustion engines or grain elevators; and

76. Natural gas and oil exploration and production site equipment not subject to a rule under 40 C.F.R. Parts 60, 61, or 63.

**ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**RULE 19**

**APPENDIX B**

NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

##

APPENDIX B: NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

The national ambient air quality standards as adopted as of the effective date of Rule 19 are listed below.

| **Air Pollutant** | **Final Rule Citation** | **Final Rule Date** | **Primary /****Secondary** | **Averaging Time** | **Level** | **Form** | **Applicable Chapters** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Carbon Monoxide | 76 FR 54294 | August 31, 2011 | Primary | Eight-hour | Nine (9) parts per million | Not to be exceeded more than once per year | All Chapters |
| One-hour | Thirty-five (35) parts per million | All Chapters |
| Lead | 73 FR 66964 | November 12, 2008 | Primary and secondary | Rolling three-month average | 0.15 micrograms per cubic meter | Not to be exceeded | All Chapters |
| Nitrogen Dioxide | 75 FR 6474 | February 9, 2010 | Primary | One-hour | One hundred (100) parts per billion | Ninety-eighth (98th) percentile, averaged over three (3) years | All Chapters |
| 61 FR 52852 | October 8, 1996 | Primary and secondary | Annual | Fifty-three (53) parts per billion | Annual Mean | All Chapters |
| Ozone | 80 FR 65292 | October 26, 2015 | Primary and secondary | Eight-hour | 0.070parts per million | Annual fourth-highest daily maximum eight-hour concentration, averaged over three (3) years | All Chapters |
| Particle Pollution, PM2.5 | 78 FR 3085 | January 15, 2013 | Primary | Annual | Twelve (12) micrograms per cubic meter | Annual mean, averaged over three (3) years | All Chapters |
| 71 FR 61144  | October 17, 2006 | Secondary | Annual | Fifteen (15) micrograms per cubic meter |
| Primary and secondary | Twenty-four-hour | Thirty-five (35) micrograms per cubic meter | Ninety-eighth (98th) percentile, averaged over three (3) years | All Chapters |
| Particle Pollution, PM10 | 71 FR 61144  | October 17, 2006 | Primary and secondary | Twenty-four-hour | One-hundred fifty (150) micrograms per cubic meter | Not to be exceeded more than once per year on average over three (3) years | All Chapters |
| Sulfur Dioxide | 75 FR 35520 | June 22, 2010 | Primary | One-hour | Seventy-five (75) parts per billion | Ninety-ninth (99th) percentile of one-hour daily maximum concentrations, averaged over three (3) years | All Chapters |
| 38 FR 25678 | September 14, 1973 | Secondary | Three-hour | 0.5 parts per million | Not to be exceeded more than once per year | All Chapters |

1. The treatability study or pollution prevention program must be approved separately. The activity creating the emissions must also be determined to be insignificant as discussed in the introduction to this group. [↑](#footnote-ref-1)
2. Cleaning and painting activities qualify if they are not subject to volatile organic compounds or hazardous air pollutants control requirements. Asphalt batch plant owners/operators must get a permit. [↑](#footnote-ref-2)
3. "Moved by hand" means capable of being moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device. [↑](#footnote-ref-3)
4. Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit hazardous air pollutant metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit hazardous air pollutant metals are treated as trivial and listed separately in this appendix. [↑](#footnote-ref-4)
5. Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list. [↑](#footnote-ref-5)