Pollution Control and Ecology Commission # 014.00-019

**ARKANSAS POLLUTION CONTROL**

**and ECOLOGY COMMISSION**

**~~REGULATION NO.~~RULE 19**

**~~REGULATIONS~~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

~~Reg.~~ Rule 19.101 Title

The following rules ~~and regulations~~, 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 “~~Regulations~~Rules of the Arkansas Plan of Implementation of Air Pollution Control,” hereinafter referred to as ~~the “Regulations of the Plan,” and “Regulation~~ “Rule 19.”

~~Reg.~~ Rule 19.102 Applicability

~~These regulations~~ Rule 19 applies ~~are applicable~~ to any stationary source ~~which~~ that has the potential to emit any federally regulated air pollutant.

~~Reg.~~ Rule 19.103 Intent and Construction

(A) ~~The purpose and intent of Regulation~~Rule 19, as amended, consists of those rules promulgated by the Commission to satisfy ~~is to provide a clear delineation of those regulations that are promulgated by the Commission in satisfaction of~~ certain requirements of the ~~federal~~ Clean Air Act~~, 42 United States Code (U.S.C.) § 7401~~ *~~et seq~~*~~., as of July 1, 1997,~~ and the federal ~~regulations stemming therefrom~~ rules promulgated thereunder. ~~Federal programs that the Department is responsible for administering include, but are not limited to, the attainment and maintenance of the National Ambient Air Quality Standards (40 Code of Federal Regulations [C.F.R.] Part 50), certain delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60), provisions designed for the Prevention of Significant Deterioration (40 C.F.R. § 52.21), minor new source review as described in Chapter 4 (40 C.F.R. Part 51), and certain delegated subparts of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63) as of July 1, 1997. This subsection shall not be construed as limiting the future delegation of federal programs to the Department for administration.~~

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

(1) ~~limit~~ Limit the federal enforceability of ~~its~~ Rule 19 requirements to only those mandated by federal law; and~~. Regulation 19, as amended, is also intended~~ ~~to~~ ~~facilitate~~

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

(C) ~~Regulation~~Rule 19, as amended, presumes a single-permit system, ~~encompassing~~ that includes both federal and state requirements. The owner or operator of a stationary source~~A~~ ~~regulated facility~~ ~~which~~ that is subject to permitting under ~~Regulation~~Rule 19 shall ~~be required to~~ apply for and comply with only one permit, even though that permit may contain conditions derived from the federal mandates contained in ~~Regulation~~Rule 19, ~~as well as~~ and conditions ~~predicated solely~~ based on ~~state~~ State law. ~~Regulation~~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 ~~Regulation~~Rule 19. Permits or permit conditions issued solely under the authority of ~~state~~ State law, or enforcement issues arising solely out of ~~state~~ State law, shall not be federally enforceable.

(D) To the extent consistent with ~~state~~ State law and efficient protection of the State’s air quality, ~~Regulation~~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 ~~which~~ are consistent with this policy and the legislative intent of ~~state~~ State laws governing air pollution control (Ark. Code Ann. § 8-4-301 *et seq*.) are aids for construing the requirements of ~~Regulation~~Rule 19. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by ~~this regulation~~ Rule 19 unless manifestly inconsistent with its substantive terms.

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

~~Reg.~~ Rule 19.104 Severability

If any provision of ~~Regulation~~Rule 19 is determined to be invalid, ~~such~~ the invalidity shall not affect other provisions of ~~Regulation~~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 ~~Regulation~~Rule 19 concerning greenhouse gases based thereon shall be stayed and shall not be enforceable until ~~such time as~~ the Commission makes a final decision on whether or not to revise ~~Regulation~~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 ~~this regulation which~~ Rule 19 that are not explicitly defined ~~herein shall~~ have the same meaning as those terms ~~which~~ that are used in the ~~federal~~ Clean Air Act. For purposes of ~~this regulation~~ Rule 19:

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

**“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”** ~~(CO~~~~2~~~~e) shall represent~~ means an amount of greenhouse gases ~~GHGs~~ emitted~~, and shall be~~ that is computed by multiplying the mass amount of emissions in tons per year ~~tpy~~, for each of the six (6) greenhouse gases in the air pollutant greenhouse gases ~~GHGs~~, 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” ~~(which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948]),~~ and summing the resultant value for each to compute a ~~tpy~~ 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. ~~See also 40 C.F.R. § 60.2, 40 C.F.R. § 51.165, and 40 C.F.R. § 52.21.~~

**“Control apparatus”** means any device ~~which~~ 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.

**~~“Department”~~** ~~means the Arkansas Department of Environmental Quality, or its successor. When reference is made in this regulation to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.~~

**“Director”** means the Director of the ~~Arkansas Department of Environmental Quality~~ Division, or its successor, acting directly or through the staff of the ~~Department~~ 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 ~~Department~~ Division or the Administrator of the EPA ~~which~~ that limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements ~~which~~ 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, ~~and~~ including any stack, conduit, flue, duct, vent, or similar device connected or attached to or serving the equipment.

**~~“Federal Clean Air Act”~~** ~~or~~ **~~“Clean Air Act”~~** ~~or~~ **~~“FCAA”~~** ~~or~~ **~~“the Act”~~** ~~means the federal Clean Air Act, as amended, 42 U.S.C. 7401,~~ *~~et seq~~*~~. and its implementing regulations as of the effective date of this rule.~~

**“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~~ 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 ~~42 U.S.C. § 7401,~~ *~~et seq~~*~~.~~, as of the effective date of Rule 19 ~~this regulation~~;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, ~~42 U.S.C. § 7401,~~ *~~et seq~~*~~.~~ ~~as amended as of July 1,1997~~ as of the effective date of Rule 19.

(E) ~~GHGs~~ Greenhouse gases, except that ~~GHGs~~ greenhouse gases shall not be a ~~Federally Regulated Air Pollutant~~ federally regulated air pollutant unless the ~~GHG~~ greenhouse gas emissions are:

(1) ~~from~~ From a stationary source emitting or having the potential to emit seventy-five thousand (75,000) ~~tpy~~ tons per year or more of ~~CO~~~~2~~~~e~~ CO2 equivalent emissions ~~or more~~; and

(2) ~~regulated~~ Regulated under Chapter 9 of ~~this regulation~~Rule 19.

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

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

**“Hazardous ~~Air Pollutant~~air pollutant”** ~~or~~ **~~“HAP”~~** means any air pollutant listed pursuant to § 112 of the Clean Air Act~~, as amended, 42 U.S.C. § 7401,~~ *~~et seq~~*~~.,~~ as of the effective date of ~~this regulation~~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 ~~which~~ 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 ~~such~~ 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 ~~Reg.~~Rule 19.407(C) and changes in ownership shall not be considered modifications.

**“National ~~Ambient Air Quality Standards~~ ambient air quality standards”** ~~or~~ **~~“NAAQS,”~~** means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the effective date of ~~the federal final rule published by EPA in the Federal Register on October 26, 2015 (80 FR 65292)~~Rule 19, as set forth in Appendix B of ~~Regulation~~Rule 19.

**~~“NAAQS state implementation plan or “NAAQS SIP”~~** ~~(as defined by Ark. Code Ann. § 8-4-303) means a state implementation plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act, 42 U.S.C. § 7401~~ *~~et seq~~*~~., for the attainment and maintenance of a specified NAAQS in each air quality control region or portion of an air quality control region within the state.~~

**“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 ~~these regulations~~Rule 19.

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

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

**“Particulate matter” ~~or “PM”~~** 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 ~~the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257)~~Rule 19, or by a test method specified in ~~these~~ ~~regulations~~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.

**~~“Plan”~~** ~~means the Arkansas Plan of Implementation for Air Pollution Control.~~

“**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 ~~the federal final rule published by EPA in the Federal Register on October 17, 2006 (71 FR 61226)~~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 ~~the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452)~~Rule 19, or by a test method specified in ~~these~~ ~~regulations~~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 ~~the federal final rule published by EPA in the Federal Register on August 7, 1987 (52 FR 29467)~~Rule 19, or by an equivalent method designated in accordance with 40 C.F.R. Part 53 ~~as of December 8, 1984~~.

**“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 ~~the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452)~~Rule 19, or by a test method specified in ~~these regulation~~ 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~~, but not, limited to~~ 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 ~~federal~~ Clean Air Act~~, 42 U.S.C. § 7401~~ *~~et seq~~*~~.~~ ~~as of February 15, 1999.~~

(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 ~~or such~~ 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 ~~$25~~ million dollars ($25,000,000 ~~(~~in second quarter 1980 United States dollars); or

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

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

(C) For a municipality, State, ~~Federal~~ federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of ~~this regulation~~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.

**~~“Secondary emissions”~~** ~~means those emissions of federally regulated air pollutants which, although associated with a source, are not emitted from the source itself.~~

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

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

**“State implementation plan” ~~or “SIP”~~** (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~~, 42 U.S.C. § 7401~~ *~~et seq~~*~~.,~~ and that is developed by the ~~department~~ Division and submitted to the EPA for review and approval.

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

**“Title I modification”** means any modification as defined under any ~~regulation~~ rule promulgated pursuant to Title I of the ~~federal~~ Clean Air Act. *De ~~minimis~~* *Minimis* changes under ~~Regulation~~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”** ~~or~~ **~~“VOC”~~** means any compound of carbon;~~,~~ excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate ;~~,~~ ~~which~~ that participates in atmospheric photochemical reactions.

(A) This includes any ~~such~~ 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 ~~ethylfluoride~~ (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;

~~trans-1,3,3,3-tetrafluoropropene~~ (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]);

~~trans- 1-chloro-3,3,3-triflouroprop-1-ene~~ (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,~~ Cyclic, branched, or linear, completely fluorinated alkanes;

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

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

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

(B) For purposes of determining compliance with emission limits, ~~VOC~~ volatile organic compounds ~~will be~~ are measured by the test methods in the approved ~~State Implementation Plan (SIP)~~ state implementation plan or 40 C.F.R. Part 60, Appendix A, ~~as of July 1, 1997,~~ as applicable. Where ~~such~~ a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as ~~VOC~~ volatile organic compounds if the amount of the ~~such~~ compounds is accurately quantified, and ~~such~~ the exclusion is approved by the ~~Department~~ Division.

(C) As a precondition to excluding these compounds as ~~VOC~~ volatile organic compounds or at any time thereafter, the ~~Department~~ 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 ~~Department~~ Division, the amount of negligibly-reactive compounds in the ~~source’s~~ emissions from the stationary source.

(D) [Reserved]~~The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.~~

CHAPTER 3: PROTECTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS

~~Reg.~~ Rule 19.301 Purpose

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

~~Reg.~~ Rule 19.302 ~~Department~~ Division Responsibilities

The ~~Department~~ Division shall be responsible for taking the following precautions to prevent the ~~NAAQS~~ 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 ~~NAAQS~~ 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 ~~NAAQS~~ national ambient air quality standards, and review of the ambient air impacts of any new or modified stationary source of federally regulated air pollutant ~~emission~~emissions that is the subject of the requirements of ~~this Plan~~ Rule 19. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the ~~NAAQS~~ national ambient air quality standards.

~~Reg.~~ Rule 19.303 Owner or Operator of Regulated Stationary Sources Responsibilities

The owner, operator, or both of any stationary ~~Any~~ source subject to the provisions of ~~this Plan~~ Rule 19 shall take ~~be responsible for taking~~ the following precautions to prevent the ~~NAAQS~~ national ambient air quality standards from being exceeded:

(A) When required by law or ~~this regulation~~Rule 19, obtaining a permit from the ~~Department~~ 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 ~~such~~ a manner ~~as to meet~~ that meets any applicable permit requirement or any applicable ~~regulations~~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 ~~NAAQS~~ 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 ~~such time that~~ it is repaired.

~~Reg.~~ Rule 19.304 ~~Delegated Federal Programs~~ [RESERVED]

~~Sources subject to this regulationshall also comply with all Federal programs that the Department is responsible for administering including certain delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60), provisions designed for the Prevention of Significant Deterioration (40 C.F.R. § 52.21), and certain delegated subparts of the National Emissions Standards for Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63), which were promulgated as of January 27, 2006. These delegated subparts only apply to major sources. (There are subparts that apply to minor sources, but the Department has not requested delegation of them as of April 28, 2006.)~~

CHAPTER 4: MINOR SOURCE REVIEW

~~Reg.~~ Rule 19.401 General Applicability

~~No~~ A person shall not cause or ~~permit~~ 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 ~~whose~~ actual emissions ~~are~~ 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

~~without first obtaining a permit from the Department pursuant to the provisions of this chapter.~~

~~Reg.~~ Rule 19.402 Approval Criteria

The Division shall not grant or modify a permit ~~No~~ ~~permit shall be granted or modified~~ under this ~~chapter~~ Chapter unless the ~~owner/operator~~ owner or operator of the stationary source demonstrates to the reasonable satisfaction of the ~~Department~~ Division that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of ~~this regulation~~ Rule 19 ~~or~~ and without interfering with the attainment or maintenance of ~~a~~ any national ambient air quality standard.

~~Reg.~~ Rule 19.403 Owner~~/~~ or Operator's Responsibilities

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

~~Reg.~~ 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 ~~Application for a permit shall be made on such forms and contain such information as~~ the ~~Department~~ Division may reasonably require, including without limitation ~~including but not limited to~~:

(1) ~~information~~ Information on the nature and amounts of federally regulated air pollutants to be emitted by the stationary source; and

(2) ~~such information~~ Information on the location, design, and operation of the stationary source ~~as the Department may reasonably require~~.

(B) Duty to Supplement Submittal

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

(C) Duty to Correct Submittal

Any ~~owner/operator~~ applicant who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of ~~such~~ the failure or incorrect submittal, promptly submit ~~such~~ supplementary facts or corrected information. In addition, ~~an~~ 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.

~~Reg.~~ Rule 19.405 Action on Application

(A) Technical Review

The ~~Department~~ Division will review ~~the~~ each application submitted under this Chapter~~chapter in order~~ to ensure to ~~their~~ its reasonable satisfaction that:

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

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

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

(5) ~~if~~ If the ~~facility~~ owner or operator of a stationary source wishes to measure ~~and/or~~ or monitor operating parameters rather than actual emissions, the application describes a process ~~which~~ 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 ~~Department~~ Division initially determines the requirements of Rule 19.405(A) are met, ~~they~~ the Division shall prepare a draft permit ~~which~~ that:

(a) ~~contains~~ Contains ~~such~~ the conditions ~~as are~~ necessary to comply with ~~this~~ Rule 19;

(b) ~~addresses~~ 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. ~~or as specifically provided for in paragraph (c) below; and~~

~~(c) establishes Best Available Control Technology (BACT) permitted emission rates, emission limitations or other enforceable conditions for GHG emissions pursuant to Chapter 9 of this Rule, if applicable. Draft permits for facilities not subject to a BACT determination in regard to GHG emissions pursuant to the provisions at Chapter 9 of this Rule shall not contain permitted emission rates, emission limitations or other enforceable conditions related to GHG emissions. However, the applicant may request that the Department include permitted emission rates, emission limitations or other enforceable conditions related to GHG emissions in the draft permit in order to set enforceable limits for the purpose of establishing synthetic minor status. In the event any provision of Rule 19 is found to be in conflict with this Section 19.405(B)(1), this Section shall take precedence.~~

(2) If the ~~Department~~ Division initially determines the requirements of this ~~chapter~~ Chapter are not met, ~~they~~ 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. ~~This notice will state the reasons for the Department's denial of the stationary source's submittal.~~

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

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

(C) Final Action

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

~~Reg.~~ Rule 19.406 Public Participation

(A) General

~~No~~ The Division shall not issue, deny, or modify a permit ~~shall be issued, denied, or modified~~ unless the public has first had an opportunity to comment on the following:

(1) ~~the~~The information submitted by the ~~owner/operator~~ applicant; ~~and the~~ ~~Department’s~~

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

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

(B) Public Availability of Information

~~For purposes of this section, opportunity to comment shall include, at a minimum:~~

(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 ~~Availability for the public inspection~~ in at least one location in the area where the stationary source is located, or proposes to locate, and in the ~~Department’s~~ Division’s central offices ~~of the Department’s draft decision, information submitted by the owner/operatorand any information developed by the Department in support of its draft permit decision~~ during the public comment period.;

~~(2) A 30-day period for submittal of public comment (beginning on the date of the latest newspaper notice, ending on the date 30 days later);~~

~~(3) A publication in a newspaper of general circulation in the area where the source is located or proposes to locate, and in a State publication designed to give general public notice. Such notice shall, as a minimum, describe the locations at which the information submitted by the owner/operator and the Department’s analysis of this information, may be inspected and the procedure for submitting public comment;~~

~~(4) A copy of the notice, required pursuant to this subsection, shall be sent to the owner/operator and to the:~~

~~(a) Regional Administrator of the EPA;~~

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

~~(c) county judge of the county where the equipment is proposed to be constructed or modified; and~~

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

~~(5)~~(4) The Division shall consider ~~Public~~ comments addressing the technical merits of the permit application and the ~~Department’s~~ Division’s analysis of the effect of the proposed emissions on air quality submitted in accordance with procedures in the public notice ~~shall be considered by the Department~~ prior to taking final action on the permit application.

~~Reg.~~ Rule 19.407 Permit Amendments

(A) Administrative Permit Amendments

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

~~corrects~~ Corrects a typographical error;

~~identifies~~ 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~~ Requires more frequent monitoring or reporting by the permittee;

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

(2) The ~~Department~~ Division shall revise the permit ~~as expeditiously as practicable~~ and may incorporate ~~such~~ 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.

 ~~(3) The applicant may implement the changes addressed in the request for an administrative amendment immediately upon approval.~~

(B) Change in Ownership

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

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

(b) ~~submits~~ Submits a disclosure statement and ~~in accordance with Commission Regulation 8, Administrative Procedures, or~~ other ~~such~~ documents ~~as~~ required by the ~~Department~~ 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 ~~the issuance or~~ transfer of any permit~~, license, certification, or operational authority~~ if he or she finds, based upon the disclosure statement and other investigation ~~which~~ that he or she deems appropriate, that:

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

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

(c) A person with a history of non-compliance with environmental laws or ~~regulations~~rules of ~~this state~~ 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 ~~which~~ in a way that could have an impact ~~upon~~ on the environment.

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

(C) *De Minimis* Changes

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

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

(b) ~~the~~ The change ~~will result~~ results in a trivial environmental impact.

(2) The environmental impact of a proposed change ~~generally~~ ~~will be~~ 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~~ 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) ~~or, result~~ Result in an air quality impact less than:

|  |  |  |
| --- | --- | --- |
| Air Pollutant | *De Minimis* Concentration | Averaging Time |
| carbon monoxide | Five hundred (500) micrograms per cubic meter *~~µ~~*~~g/m~~~~3~~ | ~~8-hour~~ Eight-hour |
| nitrogen dioxide | Ten (10) micrograms per cubic meter *~~µ~~*~~g/m~~~~3~~ | ~~annual~~ Annual |
| PM2.5 | Two (2) micrograms per cubic meter *~~µ~~*~~g/m~~~~3~~ | ~~24-hour~~Twenty-four-hour |
| PM10 | Eight (8) micrograms per cubic meter *~~µ~~*~~g/m~~~~3~~ | ~~24-hour~~Twenty-four-hour |
| sulfur dioxide | Eighteen (18) micrograms per cubic meter *~~µ~~*~~g/m~~~~3~~ | ~~24-hour~~Twenty-four-hour |
| lead | One-tenth (0.1) micrograms per cubic meter *~~µ~~*~~g/m~~~~3~~ | ~~3-month~~ Three-month |

~~(3) A proposed change will be considered~~ *~~De Minimis~~* ~~if the increases are less than 75,000 tpy of CO~~~~2~~~~e and other pollutant emission increases otherwise qualify as~~ *~~De Minimis~~* ~~under this section.~~

~~(4)~~(3) The following changes ~~will~~ are not ~~be~~ considered *De Minimis* changes:

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

(c) ~~any~~ Any change seeking to change a case-by-case determination of an emission limitation established pursuant to ~~Best Available Control Technology~~ ~~(BACT)~~best available control technology, §112(g), §112(i)(5), §112(j), or §111(d) of the Clean Air Act ~~as amended as of February 15, 1999~~;

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

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

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

~~(5)~~ (4) ~~A~~ If the owner or operator of a stationary source ~~may not~~ ~~submit~~ submits multiple applications for *De Minimis* changes ~~that are designed~~ to conceal a larger modification that ~~would not be~~ is not considered a *De Minimis* change, then the Division shall require ~~The~~ ~~Department~~ ~~will require such~~ ~~multiple~~ the applications be processed as a permit modification ~~with public notice and reconstruction requirements~~ subject to the requirements of Rule 19.405 and Rule 19.406. Deliberate misrepresentation may be grounds for permit revocation.

~~(6)~~(5) The applicant may implement *De Minimis* changes immediately upon ~~approval~~ ~~by the Department~~ receipt of the Division’s acknowledgment that the change qualifies as a *De Minimis* change.

~~(7)~~ (6) The ~~Department~~ Division shall revise the permit ~~as expeditiously as practicable~~ 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.

~~Reg.~~ Rule 19.408 Exemption from Permitting

(A) Insignificant Activities

The Division shall consider ~~Stationary~~ stationary sources and activities listed in Appendix A of ~~this regulation~~Rule 19 ~~shall be considered~~ ~~to be~~ insignificant and ~~will~~ shall not require a permit under ~~this chapter~~ 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. ~~or be included in a source’s permit.~~

(B) Grandfathering

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

~~Reg.~~ Rule 19.409 [RESERVED] ~~Transition~~

~~Facilities which are now subject to this rule which were not previously subject to this rule shall be in full compliance within 180 days of the effective date of this rule. Facilities which are now subject to permitting under this rule which were not previously subject to permitting under this rule shall submit a complete application within 180 days of the effective date of this rule. The Director may extend this compliance period on a case-by-case basis provided that the total compliance period does not exceed one year.~~

~~Reg.~~ Rule 19.410 Permit Revocation and Cancellation

(A) Revocation

Any permit issued under ~~this regulation~~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 ~~regulation~~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.

~~Reg.~~ Rule **19.411 General Permits**

(A) General Authority

The ~~Department~~ Division may, after notice and opportunity for public participation provided under ~~this chapter~~Rule 19.406, issue a general permit covering numerous similar stationary sources. ~~The~~ The Division shall use the criteria for the review and approval of permits under this ~~chapter~~Chapter ~~shall be used~~ for general ~~permits~~ permit applications~~as well~~. Any general permit shall ~~comply with~~ include all requirements applicable to other permits and shall identify criteria by which a stationary source ~~sources~~ may qualify for the general permit. ~~They shall also include enforceable~~ ~~emission~~ 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 ~~this regulation~~Rule 19. To the owner or operator of a stationary source ~~sources~~ that ~~qualify~~qualifies, the ~~Department~~ 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

~~Sources~~ The owner or operator seeking a general permit for a stationary source that would qualify for a general permit ~~must~~ shall apply to the ~~Department~~ Division for coverage under the terms of the general permit or ~~must~~ shall apply for a permit consistent with ~~this chapter~~ Rule 19.404. The ~~Department~~ Division may grant a ~~source's~~ request for authorization to operate under a general permit, but ~~such a~~ 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 ~~Department~~ Division, the ~~Department~~ Division shall ~~cause~~publish notice of the application ~~to be published~~ in a newspaper of general circulation in the county in which the proposed ~~facility~~ stationary source is to be located.

(2) The Division shall advise in the notice required by ~~Reg.~~Rule 19.411(B)(1) ~~shall advise~~ that any interested person may request a public hearing on the general permit application by giving the ~~Department~~ 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~~Should a hearing be deemed necessary by the~~ ~~Department~~, ~~or in the event the Department desires such a hearing,~~ the ~~Department~~ Division shall schedule a public hearing and shall, by ~~first class mail~~First Class Mail, notify the applicant and all persons who have submitted comments of the date, time, and place ~~thereof~~ of the public hearing.

~~Reg.~~ Rule 19.412 Dispersion Modeling

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

(A) General

All applications of air quality modeling involved in this ~~chapter~~ 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) ~~as of the effective date of~~ ~~the federal final rule published by EPA in the Federal Register on November 9, 2005 (70 FR 68228)~~.

(B) Substitution

~~Where~~ If an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. ~~Such a modification~~ Modification or substitution of a model may be made on a ~~case‑by‑case~~ case-by-case basis or, ~~where~~  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 ~~must~~ shall be obtained for any modification or substitution.

~~Reg.~~ Rule 19.413 Confidentiality

(A) ~~Information which constitutes a trade secret shall be held confidential and segregated from the public files of the Department requested~~ ~~in writing the information by the permit applicant in accordance with this subsection.~~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:

~~(A) For purposes of this subsection, “Trade Secret” means any information, including formula, pattern, compilation, program, device, method, technique, process, or rate of production that:~~

(1) The applicant derives ~~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~~,~~; ~~and~~

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

~~(B) In order to establish entitlement to confidentiality, the~~

(3) The applicant ~~must submit~~ submits a sworn affidavit to the ~~Department~~ Division, ~~that is~~ subject to public scrutiny, ~~which~~ that describes, in a manner that does not reveal the information to be held confidential ~~trade secrets~~, the processes or market conditions that ~~supports~~ support the applicant’s confidentiality claim in the terms of ~~Reg.~~Rule 19.413(A)(1) and (2). ~~This affidavit~~ ~~must also~~ 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 ~~Department’s~~Division’s denial of public access to the documents or information claimed herein to be a trade secret.”

(B) ~~If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, it~~ The applicant may submit an omnibus affidavit establishing the prerequisites of ~~Reg.~~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 ~~Department~~ Division determines whether the requirements of ~~Reg.~~Rule 19.413(~~B~~A) are satisfied. The ~~Department~~ Division shall make ~~such~~ the determination prior to the issuance of any permit or publication of any draft permit. In the event the ~~Department~~ Division does not make ~~such~~ 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 ~~Department~~ Division provides its written determination concerning the claim, the ~~Department~~ Division shall not release ~~such~~ the information before notifying the applicant of the request. The ~~Department~~ Division shall notify the applicant of the request and the ~~Department’s~~ 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 ~~Department~~ Division ~~will~~ shall not accept applications that are deemed totally confidential except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.

~~Reg.~~ Rule 19.414 ~~Operational Flexibility~~~~-~~Applicant's Duty to Apply for Alternative Scenarios

~~Any operating scenario allowed for in a permit may be implemented by the facility without the need for any permit revision or any notification to the Department.~~ ~~It is incumbent upon the~~ The permit applicant ~~to~~ shall apply for any reasonably anticipated alternative ~~facility~~ stationary source operating scenarios at the time of permit application. The ~~Department~~ 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.

~~Reg.~~ Rule 19.415 Changes Resulting in No Emissions Increases

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

~~(A)~~(1) ~~Are~~ Is not a Title I modification ~~modifications~~ ~~under any provision of Title I of the Act~~;

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

~~(C)~~(3) ~~Do~~ Does not violate applicable requirements; and

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

(B) ~~provided~~ ~~that the~~ The permittee shall provide written notice to ~~provides~~ the ~~Department~~ Division ~~with written notification as required below in advance of the proposed changes, which shall be a minimum of~~ at least seven (7) days prior to implementing the proposed changes allowed under Rule 19.415(A), or ~~such~~ within a shorter time frame that the ~~Department~~ Division allows for emergencies.

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

(1) ~~a~~ A brief description of the change ~~within~~ to the permitted ~~facility~~ stationary source;~~,~~

(2) ~~the~~ The date ~~on which~~ the change will occur;~~,~~

(3) ~~any~~ Any change in emissions;~~,~~  and

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

~~Reg.~~ Rule 19.416 Permit Flexibility

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

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

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

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

(4) The permittee of the ~~facility~~ 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 ~~Department~~ 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 ~~facility’s~~ stationary source’s permit. ~~No~~ ~~such~~ Requested activities shall not be authorized until the permittee of the ~~facility~~ stationary source receives written approval from the ~~Department~~ Division. The ~~Department~~ Division may grant ~~such a~~ approval of the request, at its discretion, in the following circumstances:

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

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

(3) ~~such a~~ The ~~request~~ requested activity is temporary in nature;

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

(5) The request contains ~~such~~ all information necessary for the ~~Department~~ Division to evaluate the request, including ~~but not limited to~~ without limitation, quantification of ~~such~~ the emissions and the date and time ~~such emission~~ the emissions will occur;

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

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

(C) The ~~Department~~ Division may grant a request to allow an alternative to the monitoring specified in a ~~facility’s~~ stationary source’s ~~operating~~ permit. ~~No such~~ The alternative monitoring activities shall not be authorized until the permittee of the ~~facility~~ stationary source receives written approval from the ~~Department~~ Division. The ~~Department~~ Division may grant ~~such a~~ the request, at its discretion, in the following circumstances:

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

(2) ~~Such a~~ The ~~request~~ 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 ~~facility’s~~ stationary source’s ~~operating~~ permit; and

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

~~Reg.~~ Rule 19.417 Registration

(A) The owner or operator of a stationary source that is ~~Sources currently~~ ~~holding permits issued~~ permitted pursuant to ~~Regulation~~Rule 19 ~~but whose~~ with emissions ~~are below~~ lower than the permitting thresholds of Rule 19.401~~,~~ and ~~above~~ higher than the registration thresholds of ~~Reg.~~Rule 18.315, may elect to continue to operate under ~~their~~ an existing ~~Regulation~~Rule 19 permit for the stationary source or ~~they~~ the owner or operator may submit a registration under ~~Reg.~~Rule 18.315 and request to terminate ~~their~~ the existing ~~Regulation~~Rule 19 permit ~~to be terminated~~. The ~~Regulation~~Rule 19 permit shall remain in effect until terminated. ~~If a source takes no action, the Regulation 19 permit shall remain in effect.~~

(B) ~~A~~ The owner or operator of a stationary source that is ~~otherwise~~ subject to registration under ~~Reg.~~Rule 18.315 may elect to instead operate under a permit issued in accordance with ~~Reg.~~this Chapter ~~19.402~~.

CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT

~~Reg.~~ Rule 19.501 Purpose

~~The purpose of this chapter is to~~ This Chapter ~~define~~defines the general federally regulated air pollutant emissions limitations applicable to all equipment subject to ~~the~~ ~~Plan~~ Rule 19. Stricter specific limitations may be required in applicable permits if ~~such limitations are~~ necessary to comply with federal law or ~~regulations which~~ rules that are in effect as of the effective date of ~~this~~ ~~regulation~~Rule 19.

~~Reg.~~ Rule 19.502 General ~~Regulations~~Rules

~~No~~ A person shall not cause or ~~permit~~ allow the construction or modification of equipment ~~which~~ that would cause ~~or allow~~ the following standards or limitations to be exceeded:

(A) Any ~~National Ambient Air Quality Standard~~ national ambient air quality standard ~~as defined herein~~;

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

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

(D) Any applicable ~~emission~~emissions limitation promulgated by the ~~Department~~ Division in ~~this Regulation~~Rule 19.

~~Reg.~~ Rule 19.503 Visible Emission ~~Regulations~~Rules

(A) ~~No~~ A person shall not cause or ~~permit~~ 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). ~~equipment identified hereunder and which was installed and in operation, or for which a permit had been issued by the Department prior to January 30, 1972, to exceed the following limitations:~~

~~(1) Emissions shall not exceed 40% opacity, except that emissions greater than 40% opacity allowed for not more than six (6) minutes in the aggregate in any consecutive 60-minute period, provided such emissions will not be permitted more than three (3) times during any 24-hour period.~~

(B) ~~No person shall cause or permit visible emissions (other than uncombined water vapor) from new equipment identified hereunder which was installed or permitted by the Department after January 30, 1972, to exceed the following limitations or to exceed any applicable visible emission limitations of the New Source Performance Standards promulgated by the EPA:~~

~~(1)~~ For incinerators and fuel burning equipment, ~~exclusively,~~ emissions greater than ~~shall not exceed~~ twenty percent (20%) opacity, ~~except that emissions greater than 20% opacity~~ but not exceeding sixty percent (60%) opacity, ~~will~~ shall be allowed for not more than six (6) minutes in the aggregate in any consecutive ~~60~~ sixty-minute (60) period, if the ~~provided such~~ emissions will not ~~be permitted~~ occur more than three (3) times during any ~~24~~ twenty-four-hour period.

~~(2) For equipment used in a manufacturing process, emissions shall not exceed 20%.~~

(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).

~~Reg.~~ Rule 19.504 Stack Height/Dispersion ~~Regulations~~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 ~~into this chapter~~ by reference ~~as of September 12, 1986~~.

~~Reg.~~ Rule 19.505 Revised Emissions Limitation

(A) ~~The emissions limitations contained within the Plan and applicable permits are for the purpose of assuring the attainment and maintenance of the NAAQS and have been established within the framework of information presently available to the Department As additional and more precise information becomes available, the emission~~ Emissions limitations and reporting procedures of this ~~chapter~~Chapter may be amended as described below:

~~(A)~~(1) ~~More restrictive limitations to protect the NAAQS. In accordance with the provisions of the federal Clean Air Act, as amended, and the federal regulations promulgated pursuant to the Clean Air Act, as amended, the emission~~ The emissions limitations and reporting procedures of this ~~chapter~~ Chapter or any applicable permits may be further amended and made more restrictive ~~where~~ if the Director finds more restrictive measures are necessary to assure maintenance of the ~~NAAQS~~ national ambient air quality standards.

~~(B)~~(2) ~~Less restrictive limitations.~~ Any person subject to the emission limitations contained in ~~this Plan~~ 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. ~~In no case shall the~~ The Director shall not approve a less stringent limitation if it would cause a violation of the ~~NAAQS~~ national ambient air quality standards~~. The Director shall not approve a less stringent limitation~~ or if ~~it~~ the less stringent limitation violates a federal emission standard or rule ~~regulation~~, unless approved according to applicable federal rules ~~regulations~~.

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

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

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

(3) Process and fuel changes;

(4) The respective costs of the application of all ~~such~~ 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

~~Reg.~~ Rule 19.601 Upset Conditions

For purposes of ~~this paragraph~~Chapter 6 of Rule 19, “upset condition” ~~shall be defined as~~ means an ~~exceedences~~exceedance of an applicable ~~emission~~emissions ~~limitations~~limitation lasting thirty (30) ~~or more~~ minutes or longer, in the aggregate, during a ~~24-hour~~ twenty-four-hour period, unless otherwise specified in an applicable permit or ~~regulation~~rule (such as New Source Performance Standards ~~[NSPS] regulations~~). All upset conditions, resulting in violation of an applicable permit or ~~regulation~~rule, shall be reported to the ~~Department~~ Division. ~~Any~~ The owner or operator of any stationary source exceeding an emission limit established by ~~the Plan~~ Rule 19 or an applicable permit ~~shall be deemed~~ is in violation of ~~said~~ ~~Plan~~ Rule 19 or the permit and shall be subject to enforcement action. The ~~Department~~ Division may forego an enforcement action for an exceedance of an emission limit for a federally regulated air pollutant ~~emissions~~ ~~given that~~ if the ~~person responsible~~ owner or operator of the stationary source ~~for the source of the excess emissions~~ does the following:

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

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

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

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

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

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

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

(2) A ~~and including a~~ statement of all known causes; and

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

~~Reg.~~ 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, ~~which situation~~ that ~~requires~~require immediate corrective action to restore normal operation, and that ~~causes~~cause the stationary source to exceed a technology-based ~~emission~~ emissions limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include non~~-~~compliance ~~to the extent~~ 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 ~~non-compliance~~noncompliance with ~~such~~ a technology-based ~~limitations~~ limitation if the ~~following~~ conditions in Rule 19.602(A)(1) through (4) are met. The permittee shall demonstrate affirmative defense of emergency ~~shall demonstrate~~ through properly signed contemporaneous operating logs, or ~~such~~ other relevant evidence that:

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

(2) The permitted ~~facility~~ 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 ~~Department~~ Division by the end of the next business day after the emergency. This notice ~~must~~ 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

~~Reg.~~ Rule 19.701 Purpose

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

~~Reg.~~ Rule 19.702 Air Emissions Sampling

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

(A) Sampling Ports

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

(B) Sampling

~~To~~ The permittee shall conduct federally regulated air pollutant emissions sampling, at the request of the ~~Department~~Division, to determine the rate, opacity, composition, and/or ~~contaminant~~ 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 ~~Department~~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 ~~NAAQS~~ national ambient air quality standard.

(D) Process Rates

Unless otherwise approved by the ~~Department~~ 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 ~~Department~~ 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 ~~Department~~ Division.

(F) Testing Methods and Records

(1) The ~~Department~~ Division shall require that all applicable testing be performed using the methods described in 40 C.F.R. Part 51, Appendix M, ~~as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452);~~ 40 C.F.R. Part 60, Appendix A, ~~as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257);~~ 40 C.F.R. Part 61, Appendix B, ~~as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2000 (65 FR 62161);~~ and 40 C.F.R. Part 63, Appendix A~~, as of the effective date of~~ ~~the federal final rule published by EPA in the Federal Register on December 29, 1992 (57 FR 62002)~~.

(2) The ~~Department~~ 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 ~~such~~ the tests shall be submitted to the ~~Department~~ Division within the time frames and on ~~such~~ forms ~~as~~ required by the ~~Department~~ Division and federal rules~~regulations~~.

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

~~Reg.~~ Rule 19.703 Continuous Emissions Monitoring

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

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

(1) Performance ~~performance~~ specifications in 40 C.F.R. Part 60 Appendix B as of ~~the effective date of the federal final rule published by EPA in the Federal Register on~~ February 27, 2014; ~~(79 FR 11271), and quality~~

(2) Quality assurance procedures in 40 C.F.R. Part 60 Appendix F as of ~~the effective date of the federal final rule published by EPA in the Federal Register on~~ February 27, 2014~~(79 FR 11274),~~; and

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

(4) ~~Any~~ 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 ~~the effective date of the federal final rule published by EPA in the Federal Register on November 7, 1986 (51 FR 40675)~~, 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 ~~Department~~ Division at ~~such~~ intervals and on ~~such~~ forms as the ~~Department~~ Division shall prescribe, in accordance with 40 C.F.R. Part 51, Appendix P, Section 4.0 (Minimum Data Requirements) ~~as of the effective date of~~ ~~the federal final rule published by EPA in the Federal Register on November 7, 1986 (51 FR 40675)~~, and any other applicable reporting requirements promulgated by the EPA.

~~Reg.~~ Rule 19.704 Notice of Completion

For ~~equipment~~ each stationary source for which a new permit or equipment for which a permit major ~~permit~~ modification is required, the owner or operator of the stationary source shall notify the ~~Department~~ Division ~~shall be notified~~ 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.

~~Reg.~~ Rule 19.705 Record Keeping and Reporting Requirements

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

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

(B) Supply the following information, correlated in units of the applicable emissions limitations, to the ~~Department~~ 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 ~~Information~~ and data ~~shall be submitted~~ to the ~~Department~~ Division ~~by a responsible official~~ on ~~such~~ forms and at ~~such~~ time intervals as prescribed by applicable federal ~~regulations~~ rules or the ~~Department~~ Division. ~~Reporting periods~~ The reporting period shall be a ~~12~~ twelve-month period.

(D) Each ~~emission~~emissions inventory ~~is to~~ shall be accompanied by a certifying statement, signed by the ~~owner(s) or operator(s)~~ owner, operator, or both, that: ~~and attesting~~

(1) Attests that the information contained in the inventory is true and accurate to the best knowledge of the certifying official; and~~.~~ ~~The certification shall include~~

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

~~Reg.~~ Rule 19.706 Public Availability of Emissions Data

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

CHAPTER 8: 111(d) DESIGNATED FACILITIES

~~Reg.~~ Rule 19.801 Purpose

~~The purpose of this chapter is to establish regulations~~ This Chapter establishes standards of performance for designated pollutants emitted from designated facilities in accordance with ~~Section~~ § 111(d) of the Clean Air Act.

~~Reg.~~ Rule 19.802 Permit Emissions Limitations

~~No~~ A person shall not cause or ~~permit~~ allow ~~emissions from equipment located~~ the standards of performance established in this Chapter~~at facilities described in this chapter~~ to be exceeded. Future permit conditions may place more stringent emissions limitations on the ~~equipment~~ ~~which~~ stationary source that shall supersede the limitations of this ~~section~~Chapter.

~~Reg.~~ Rule 19.803 [RESERVED] ~~Sulfuric Acid Plants (H~~~~2~~~~SO~~~~4~~ ~~Mist)~~

~~(A) El Dorado Chemical Company (Arkansas Facility Identification Number [AFIN] 7000040) of El Dorado shall not exceed the following emission limitation after November 1, 1980:~~

~~(1) Sulfuric Acid Plant - 0.5 lb sulfuric acid (H~~~~2~~~~SO~~~~4~~~~) mist/ton 100% acid.~~

~~(2) [RESERVED]~~

~~(B) Compliance testing shall be performed using EPA Method #8 (40 C.F.R. Part 60 Appendix A as of May 25, 1979) at intervals specified in the applicable permit.~~

~~Reg.~~ Rule 19.804 Kraft Pulp Mills (TRS)

(A) ~~Affected Facilities~~

~~Equipment located at the following kraft pulp mills are affected by the provisions of this subsection. The~~ Rule 19.804(B) and (C) and the total reduced sulfur ~~(TRS)~~ emissions limitations ~~are~~ contained in Table 19.8.1 are applicable to equipment located at the following kraft pulp mills:~~.~~

(1) ~~International Paper Company~~ Evergreen Packaging (AFIN 35-00016); ~~of Pine Bluff.~~

(2) Green Bay Packaging, Arkansas Kraft Division (AFIN 15-00001); ~~of Morrilton.~~

(3) ~~Delta National Kraft~~ Mondi Pine Bluff (AFIN 35-00017); ~~of Pine Bluff.~~

(4) Georgia-Pacific Corporation (AFIN 02-00013); ~~of Crossett.~~

(5) ~~Georgia-Pacific Corporation~~ Domtar A.W. (AFIN 41-00002); ~~of Ashdown.~~

(6) ~~Potlatch~~ Clearwater Paper Corporation (AFIN 21-00036); ~~of McGehee.~~

(B) ~~Compliance Testing Requirements All~~ The owner or operator of designated ~~equipment~~facilities listed in Table 19.8.1 shall ~~have annual compliance testing of TRS~~ test compliance with total reduced sulfur emissions limitations ~~performed~~ 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 ~~as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11241)~~. ~~Annual compliance~~ Compliance testing ~~will~~ is not ~~be~~ required for equipment with a total reduced sulfur continuous ~~TRS~~ emissions monitor.

(C) ~~Continuous Monitoring Requirements~~

~~Any~~ The owner or operator of any equipment located at the ~~above~~ designated facilities specified under Rule 19.804(A) shall conduct ~~TRS~~ 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]) |
| ~~5200013~~ | ~~IP Camden~~ | ~~recovery furnace~~ | ~~40 ppm~~ |
|  | ~~lime kiln~~ | ~~40 ppm~~ |
|  | ~~smelt dissolving tank~~ | ~~0.0168 gram (g)/kilogram (kg)~~ |
| 35-00016 | ~~IP Pine Bluff~~ Evergreen Packaging | recovery furnace | ~~40 ppm~~ Forty (40) parts per million |
| lime kiln | ~~40 ppm~~ Forty (40) parts per million |
| smelt dissolving tank | 0.0168 ~~g/kg~~ grams per kilogram |
| 15-00001 | Green Bay Packaging, Arkansas Kraft Division | recovery furnace | ~~40 ppm~~ Forty (40) parts per million |
| lime kiln | ~~40 ppm~~ Forty (40) parts per million |
| smelt dissolving tank | 0.0168 ~~g/kg~~ grams per kilogram |
| 35-00017 | ~~Gaylord Container, Corp.~~ Mondi Pine Bluff | recovery furnace | ~~100 ppm~~ One hundred (100) parts per million |
|  | lime kiln | ~~40 ppm~~ Forty (40) parts per million |
| smelt dissolving tank | 0.0168 ~~g/kg~~ grams per kilogram |
| 02-00013 | ~~GP~~ Georgia Pacific Corporation ~~Crossett~~ | recovery furnace | ~~5 ppm~~ Five parts per million |
|  | lime kiln | ~~8 ppm~~ Eight parts per million |
| smelt dissolving tank | 0.0168 ~~g/kg~~ grams per kilogram |
| 41-00002 | ~~GP Ashdown~~ Domtar A.W. | recovery furnace | ~~5 ppm~~ five parts per million |
|  | lime kiln | ~~8 ppm~~ Eight parts per million |
| smelt dissolving tank | 0.0168 ~~g/kg~~ grams per kilogram |
| 21-00036 | ~~Potlatch McGehee~~ Clearwater Paper Corporation | recovery furnace | ~~5 ppm~~ Five parts per million |
|  | lime kiln | ~~20 ppm~~ Twenty parts per million |
| smelt dissolving tank | 0.0168 ~~g/kg~~ grams per kilogram |

Recovery Furnaces–measured as hydrogen sulfide ~~(H~~~~2~~~~S)~~ on a dry basis and on a ~~twelve (12)~~ twelve-hour average, corrected to eight percent (8%) by volume oxygen.

Lime Kilns–measured as ~~H~~~~2~~~~S~~ hydrogen sulfide on a dry basis and on a ~~twelve (12)~~ twelve-hour average, corrected to ten percent (10%) volume oxygen.

Smelt Dissolving Tanks–measured as grams ~~H~~~~2~~~~S/kg~~ hydrogen sulfide per kilogram black liquor solids on a ~~twelve (12)~~ 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

~~Reg.~~ Rule 19.901 ~~Title~~ [RESERVED]

~~The following rules and regulations of the Arkansas Pollution Control and Ecology Commission, adopted in accordance with the provisions of Part II of the Arkansas Water and Air Pollution Control Act at Ark. Code Ann. § 8-4-101~~ *~~et seq~~*~~., shall be known as the Prevention of Significant Deterioration Regulations of the Arkansas Plan of Implementation for Air Pollution Control, hereinafter referred to, respectively, as or the “PSD Regulations.”~~

~~Reg.~~ Rule 19.902 ~~Purposes~~ Purpose and Authority

(A) Promulgation and enforcement of ~~these PSD~~ ~~Regulations Regulations~~this Chapter is intended to further the purposes of the ~~Plan~~ state implementation plan and ~~the Regulationsof the Plan~~ Rule 19, including ~~but not limited to~~ without limitation, acceptance of delegation by the EPA of authority for enforcement of ~~regulations~~rules governing the prevention of significant deterioration of air quality and ~~regulations~~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.

~~Reg.~~ 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,~~which~~ that:

(1) ~~establishes~~ Establishes the applicant's intention to construct;~~,~~ ~~and~~ ~~which~~ ~~provides~~

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

(3) Includes ~~including~~ ~~but not limited to~~ without limitation:

(a) Submittal ~~submittal~~ of a draft or partial permit application;~~,~~

(b) ~~a PSD~~ A prevention of significant deterioration monitoring plan;~~,~~ or

(c) ~~a~~ A sufficiently detailed letter. ~~“Advance notification” does not include general inquiries about the Department’s regulations~~.

(B) “Regulated ~~NSR~~ new source review pollutant ~~Pollutant~~,” ~~for purposes of~~ ~~this chapter~~, means ~~the following~~:

(1) Any air pollutant for which a national ambient air quality standard has been adopted under Chapter 2 of ~~this Regulation~~Rule 19 and any air pollutant identified under ~~this~~ ~~paragraph~~ Rule 19.903(B)(1) as a constituent or precursor for ~~such~~ the air pollutant. Precursors identified by the ~~Department~~ Division for purposes of ~~NSR~~ 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 ~~July 27, 2012~~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) ~~Notwithstanding paragraphs (B)(1) through (4) of this section,~~ ~~the term~~ *~~regulated~~ ~~NSR~~* Regulated new source review pollutant~~shall not include any or all~~ does 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 ~~Section~~ § 108 of the Clean Air Act ~~as of July 27, 2012~~; and

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

(a) Except as provided by Rule 1.903(B)(6)(b), ~~As of the effective date of the federal final rule published by EPA in the Federal Register on Thursday, October 25, 2012 (77 FR 65107), such~~ condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM2.5, and PM10 in ~~PSD~~ prevention of significant deterioration permits.

(b) Compliance with emissions limitations for PM2.5, and PM10 issued prior to ~~this date~~ 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 ~~this date~~ December 24, 2012 without accounting for condensable particulate matter shall not be considered in violation of this ~~chapter~~Chapter.

(C) ~~For the purpose of this chapter, “subject~~ “Subject to regulation” means, for any air pollutant, that the air pollutant is subject to either a provision of the ~~federal~~ Clean Air Act, or a nationally-applicable ~~regulation~~ rule codified by the Administrator pursuant to 40 C.F.R., Chapter 1, Subchapter C and adopted ~~herein~~ in Rule 19, that requires actual control of the quantity of emissions of that air pollutant and that ~~such a~~ 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 ~~herein~~ in this Chapter shall have the same meaning as set forth in Chapter 2 of ~~Regulation~~Rule 19 or in 40 C.F.R. § 52.21(b) ~~[PSD]~~ [Prevention of Significant Deterioration] and 40 C.F.R. § 51.301 [Protection of Visibility] as of ~~October 20, 2010~~ the effective date of Rule 19, and adopted in ~~Reg.~~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 ~~Regulation~~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 ~~Reg.~~Rule 19.904 and ~~Reg.~~Rule 19.903(A), (B) and (C), and 40 C.F.R. § 51.301 as of the effective date of Rule 19~~October 20, 2010~~, 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.

~~Reg.~~ Rule 19.904 Adoption of ~~Regulations~~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 ~~Reg.~~Rule 19.904, the ~~Arkansas Department of Environmental Quality~~ Division shall have those responsibilities and that authority, with reference to the State ~~of Arkansas~~, granted to the Administrator of the EPA under 40 C.F.R. § 52.21 (a)(2) through (bb), ~~as in effect on~~ ~~November 29, 2005~~, which are hereby incorporated herein by reference as in effect as of the effective date of Rule 19 with the exception of:

(1) [Reserved] ~~40 C.F.R. § 52.21(aa), which is incorporated by reference as in effect on August 13, 2012, except for instances in the sections of 40 C.F.R. § 52.21(aa) where 40 C.F.R. § 52.21(b)(49) is referenced. In those instances, paragraph (G) of Reg.Rule 19.904 shall apply;~~

(2) [Reserved] ~~40 C.F.R. § 52.21(r)(6), which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on December 21, 2007 (72 FR 72607);~~

(3) [Reserved] ~~40 C.F.R. §§ 52.21(b)(23), 52.21(i)(5)(ii), and 52.21(i)(5)(iii), which are incorporated by reference as of May 16, 2008;~~

(4) [Reserved] ~~40 C.F.R. §§ 52.21(b)(14)(i) [Major Source Baseline Date], 52.21(b)(14)(ii) [Minor Source Baseline Date], 52.21(b)(14)(iii), 52.21(b)(15) [Baseline Area], 52.21(c) [Ambient Air Increments], 52.21(k)(1) [Source Impact Analysis Requirements], and 52.21(p) [Requirements for Sources Impacting Federal Class I areas], which are incorporated herein by reference as of October 20, 2010;~~

(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.

 ~~In the absence of a specific imposition of responsibility or grant of authority, the Department shall be deemed to have that responsibility and authority necessary to attain the purposes of the Plan, these PSD Rules, and the applicable federal regulations, as incorporated herein by reference.~~

(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 ~~this Plan~~ 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) ~~as of November 29, 2005~~, the following requirements [designated as ~~Reg.~~Rule 19.904(C)(1),(2),(3) and (4)] shall also apply:

(1) Where air quality impact analyses required under this ~~part~~ Chapter indicate that the issuance of a permit for any major ~~stationary~~ 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 ~~person~~ owner or operator of a stationary source that applies ~~applying~~ for ~~such~~ a permit shall submit to the ~~Department~~ 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 ~~such~~ 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) ~~subparagraph (1) above~~ 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) ~~as of November 29, 2005~~.

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

(4) The assessment required under Rule 19.904(C)(1) ~~subparagraph (1) above~~ may be made effective where a proposed source would cause an increment consumption less than that specified in ~~said~~ Rule 19.904(C)(1) ~~subparagraph (1)~~ if the Director finds that unusual circumstances exist in the area of the proposed stationary source ~~which~~ that warrant ~~such an~~ assessment. The Director shall notify the applicant in writing of those circumstances ~~which~~ that warrant ~~said~~ 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 ~~aforecited~~ assessment under Rule 19.904(C)(1).

(D) In addition to the requirements of 40 C.F.R. § 52.21(p)(1) ~~as of~~ ~~October 20, 2010~~, 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 ~~shall be made by the~~ ~~Department,~~ based on screening criteria agreed upon by the ~~Department~~ Division and the Federal Land Manager.

(E) ~~In all instances wherein the aforesaid~~ 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 ~~refer to the Administrator or the Environmental Protection Agency, the reference, for the purposes of paragraph (A) of Reg. 19.904,~~ ~~shall be deemed to mean~~ means the ~~Arkansas Department of Environmental Quality~~ 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 ~~GHGs~~ greenhouse gases, only the standards and requirements promulgated by EPA as of ~~June 3, 2010~~August 19, 2015, related to the permitting of ~~GHG~~ greenhouse gas emissions shall apply to the requirements of 40 C.F.R. § 52.21~~, as of November 29, 2005,~~ incorporated by reference at ~~Reg.~~Rule 19.904(A). The following definitions and requirements shall also apply:

(1) ~~“Greenhouse gases” (GHGs) means the air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride,~~  Greenhouse gases shall not be subject to regulation except as provided in ~~Reg.~~Rule 19.904(G)(4) ~~through Reg. 19.904(G)(5)~~, and shall not be subject to regulation if the stationary source:

(a) Maintains its total ~~source-wide~~ plant-wide emissions below the ~~GHG~~ greenhouse gases plant-wide applicability limitations ~~(hereinafter “PAL”)~~ 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 ~~Reg.~~Rule 19.904(A)(1); and

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

(2) For purposes of ~~Reg.~~Rule 19.904(G)(3) ~~through Reg. 19.904(G)(5)~~:

(a) ~~The term~~ ~~tons~~ Tons per year of ~~(tpy) “~~CO2 equivalent emissions~~” (CO~~~~2~~~~e)~~~~shall represent~~ represents an amount of ~~GHGs~~ greenhouse gases emitted, and shall be computed as follows:

(i) ~~Multiplying~~ Multiply the mass amount of emissions in ~~tpy~~ tons per year, for each of the six ~~greenhouse~~ gases in the pollutant greenhouse gases ~~GHGs~~, by each gas’s associated global warming potential published at Table ~~A - 1~~ A-1 to Subpart A of 40 C.F.R. Part 98 ~~-~~—Global Warming Potentials ~~(as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948])~~; and

(ii) Sum the resultant values from ~~Reg.~~Rule 19.904(G)(2)(a) for each gas to compute ~~a tpy CO2e~~ tons per year of CO2 equivalent emissions.

(3) The term “emissions increase” as used in ~~Reg.~~Rule 19.904(G)(4) ~~through Reg. 19.904(G)(5) shall mean~~ means that ~~both~~:

(a) ~~a~~ A significant emissions increase (as calculated using the procedures in 40 C.F.R. § 52.21(a)(2)(iv)~~, as of November 29, 2005~~), and

(b) ~~a~~ A significant net emissions increase (as defined in 40 C.F.R. § 52.21(b)(3)~~, as of November 29, 2005,~~ and 40 C.F.R. § 52.21(b)(23)~~, as of November 29, 2005~~), occur.

(c) For ~~the pollutant GHGs~~ greenhouse gases, an emissions increase shall be:

(i) ~~based~~ Based on ~~tpy CO2e~~ tons per year of CO2 equivalent emissions, ~~and~~

(ii) ~~shall be calculated~~ Calculated assuming ~~the pollutant GHGs is~~ greenhouse gases are ~~a~~ regulated ~~NSR pollutant~~ new source review pollutant, and

(iii) ~~“significant”~~ “Significant” ~~is defined as~~ if the calculated value is seventy-five thousand (75,000) ~~tpy CO2e~~ tons per year of CO2 equivalent emissions. ~~instead of applying the value in~~ 40 C.F.R. § 52.21(b)(23)(ii) does not apply to the meaning of the term “significant” for greenhouse gases~~, as of November 29, 2005~~.

(4) ~~Beginning January 2, 2011,~~ ~~the pollutant~~ ~~GHGs~~ Greenhouse gases ~~is~~ are subject to regulation if:

(a) The stationary source is a new major ~~stationary~~ source for a regulated ~~NSR~~ new source review pollutant that is not ~~GHGs~~ greenhouse gases, and also ~~will emit or will have~~ emits or has the potential to emit ~~GHGs~~ greenhouse gases at seventy-five thousand (75,000) ~~tpy CO~~~~2~~~~e~~ tons per year or more of CO2 equivalent emissions ~~or more~~; or

(b) The stationary source is an existing major ~~stationary~~ source for a regulated ~~NSR~~ new source review pollutant that is not ~~GHGs~~ greenhouse gases, and also will have an emissions increase of a regulated ~~NSR~~ new source review pollutant, and an emissions increase of ~~GHGs~~ greenhouse gases of seventy-five thousand (75,000) ~~tpy CO~~~~2~~~~e~~ tons per year or more of CO2 equivalent emissions ~~or more~~.

~~(5)~~ ~~Beginning July 1, 2011, in addition to the provisions in Reg. 19.904(G)(4) of this section, the pollutant GHGs shall also be subject to regulation:~~

~~(a) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO~~~~2~~~~e or more; or~~

~~(b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO~~~~2~~~~e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO~~~~2~~~~e or more.~~

CHAPTER 10: [RESERVED] ~~REGULATIONS FOR THE CONTROL OF VOLATILE ORGANIC COMPOUNDS IN PULASKI COUNTY~~

~~Reg. 19.1001 Title~~

~~This chapter, adopted in accordance with the provisions of the Arkansas Water and Air Pollution Control Act [Arkansas Code Annotated Sections 8-4-101~~ *~~et seq.~~*~~, as amended] and pursuant to the provisions of the federal Clean Air Act, shall be known as the Regulations for the Control of Volatile Organic Compounds.~~

~~Reg. 19.1002 Purpose~~

~~The Regulations for the Control of Volatile Organic Compounds are designed to provide for the attainment and maintenance of the National Ambient Air Quality Standards for ozone in those areas of Arkansas which have been designated as nonattainment areas by the EPA pursuant to the federal Clean Air Act and are further designed to bring the Arkansas Plan of Implementation for Air Pollution Control into compliance with the provisions of said Act.~~

~~Reg. 19.1003 Definitions~~

~~When used in these Regulations for the Control of Volatile Organic Compounds, the following definitions apply. Terms and phrases used in this chapter which are not explicitly defined herein shall have the same meaning as those terms used in Chapter 2 of Regulation 19 or, if not defined in Chapter 2 of Regulation 19, as those terms defined in the federal Clean Air Act.~~

~~Unless manifestly inconsistent therewith, terms and phrases used herein shall have the same meaning as used in the Arkansas Water and Air Pollution Control Act and the federal Clean Air Act.~~

**~~"Clear coat"~~** ~~means a coating which lacks color and opacity.~~

**~~"Coating application system"~~** ~~means all operations and equipment which applies, conveys, and dries a surface coating.~~

**~~"Control Technique Guideline"~~** ~~means any of the guideline series documents describing an emission control technology for a specific source or category of sources; which documents being published by the EPA.~~

**~~"Cutback asphalt"~~** ~~means asphalt cement which has been liquefied by blending with petroleum solvents (diluents). Upon exposure to atmospheric conditions, the diluents evaporate, leaving the asphalt cement to perform its function.~~

**~~"Crude oil"~~** ~~means a naturally occurring mixture consisting of hydrocar­bons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid in the reservoir and at standard conditions.~~

**~~"Custody transfer"~~** ~~means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.~~

**~~"Delivery vessel"~~** ~~means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary tanks of gasoline dispensing facilities.~~

**~~"Existing source"~~** ~~means any source of volatile organic compounds other than a new source.~~

**~~"External floating roof"~~** ~~means a storage vessel cover in an open tank top consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.~~

**~~"Extreme performance coating"~~** ~~means coatings designed for harsh exposure or extreme environmental conditions.~~

**~~"Gasoline"~~** ~~means a petroleum distillate having a Reid vapor pressure of 27.6 kilopascals (kPa) (4 pounds per square inch [psi]) or greater that is used as fuel for internal combustion engines.~~

**~~"Gasoline dispensing facility"~~** ~~means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.~~

**~~"Gasoline tank truck"~~** ~~means tank trucks or trailers equipped with a stor­age tank and used for the transport of gasoline from sources of supply to sta­tionary storage tanks or to gasoline bulk facilities.~~

**~~"Liquid-mounted"~~** ~~means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.~~

**~~"Low solvent coating"~~** ~~means coatings which contain less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water borne, high solids, electrodeposition and powder coatings.~~

**~~"Lowest Achievable Emission Rate"~~** ~~(LAER) means for any source, that rate of emissions which reflects the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable New Source Standards of Performance.~~

**~~"Major source"~~** ~~means any stationary source which has the potential to emit 100 tons or more per year of volatile organic compounds.~~

**~~"Modification"~~** ~~means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any volatile organic compound emitted by such source or which results in the emission of any other volatile organic compound not previously emitted.~~

**~~"New source"~~** ~~means any stationary source of volatile organic compounds, the construction or modification of which is commenced after July 1, 1979.~~

**~~"New Source Standard of Performance"~~** ~~(NSPS) means those standards which are adopted by the EPA pursuant to the provisions of Section 111 of the federal Clean Air Act [NSPS, 40 CFR Part 60].~~

**~~"Operator"~~** ~~means any person who leases, operates, controls, or supervises any source, facility or equipment affected by these regulations.~~

**~~"Owner"~~** ~~means any person who has legal or equitable title to any source, facility, or equipment affected by these regulations.~~

**~~"Person"~~** ~~means any individual or other legal entity or their legal representative or assignee.~~

**~~“Prime coat"~~** ~~means the first of two or more films of coating applied to a metal surface.~~

**~~"Reasonably Available Control Technology"~~** ~~(RACT) means the lowest emis­sion limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar, but not necessarily identical source categories.~~

**~~"Single coat"~~** ~~means one film coating applied to a metal surface.~~

**~~"Top coat"~~** ~~means the final film or series of films or coatings applied in a two coat (or more) operation.~~

**~~"True vapor pressure"~~** ~~means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute (API) Bulletin 2517, Evaporation Loss from External Floating Roof Tanks, 1980. The API procedure may not be applicable to some high viscosity or high pour crudes. Available estimates of true vapor pressure may be used in special cases such as these.~~

**~~"Vapor collection system"~~** ~~means a vapor transport system which used direct displacement by the gasoline being transferred to force vapors from the vessel being loaded into either a vessel being unloaded or a vapor control system or vapor holding tank.~~

**~~"Vapor control system"~~** ~~means a system that prevents release to the atmosphere of gasoline vapors in excess of 80 milligrams per liter of gasoline loaded (4.7 grains per liter).~~

**~~"Vapor-mounted"~~** ~~means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank shell, the liquid surface, and the floating roof.~~

~~Reg. 19.1004 General Provisions~~

~~(A) Applicability and Effective Dates~~

 ~~(1) Sources which are subject to provisions of the Regulations for the Control of~~  ~~Volatile Organic Compounds include:~~

 ~~(a) Any source for which controls are governed by Reg. 19.1005 hereof;~~

 ~~(b) Any source which is subject to the terms of a Commission order issued~~  ~~pursuant to Reg. 19.1004(D)(1) hereof, and~~

 ~~(c) Any new major source.~~

~~(2) The provisions of Chapter 10, the Regulations for the Control of Volatile Organic Compounds, shall be limited to sources located in Pulaski County, except as provided in Reg. 19.1004(D)(1) and shall go into full force and effect on the effective date provided, however, that the provisions of Reg. 19.1004(D)(1) shall go into full force and effect on April 1, 1979. The effective date for Reg. 19.1005(A)(B) and (C) is July 1, 1979, and for Reg. 19.1005(D) and (E) is October 1, 1980. The effective date for Reg. 19.1005(F) is April 1, 1981.~~

~~(B) Exemptions and Variances~~

~~(1) [RESERVED]~~

~~(2) The requirements of Reg. 19.1005 are based upon information presented in the Control Technique Guidelines as published by the EPA and are intended to be consistent with Reasonably Available Control Technology. The owner or operator of equipment affected by the provisions of Reg. 19.1005 may be granted a variance from the specific provisions of such section provided that such owner or operator can demonstrate to the reasonable satisfaction of the Commission that full and strict compliance is technologically or economically infeasible or that alternative techniques to be employed by such owner or operator will result in substantially the same environmental benefits as would be achieved with full and strict compliance with the provisions of Reg. 19.1005. In no event, however, shall the Commission issue variances from the requirements of Reg. 19.1005 if such variances will prevent reasonable further progress for the attainment and maintenance of the National Ambient Air Quality Standards for ozone.~~

~~(C) Toxic Compounds~~

~~The Regulations for the Control of Volatile Organic Compounds are not intended as appropriate controls for sources which emit volatile organic compounds which are hazardous air pollutants.~~

~~(D) Determination of Reasonably Available Control Technology~~

~~(1) Where the Department proposes the existence of Reasonably Available Control Technology for existing sources, other than the sources for which the provisions of Reg. 19.1005 are applicable, the Department shall give public notice of such determination and shall, in such notice, describe the nature of such technology and shall list by size, type, source, category or by individual source name, the affected sources. The public notice shall also give notice of public hearing concerning the subject proposals. If, after review of the information produced through the public hearing process, the Department determines that such technology does exist and that the application of such technology is necessary to maintain reasonable further progress toward the attainment and maintenance of the National Ambient Air Quality Standards for ozone, the Department shall issue an order requiring the installation of such technology.~~

~~(2) Any order issued pursuant to Reg. 19.1004(D)(1) above may require the owner or operator of sources affected by such order to file such schedules and reports as the Department feels necessary to assure that the subject technology is placed into operation as expeditiously as practicable. The terms of such orders may be modified where the Department finds that such modifications are necessary to avoid economic hardship and where such modification would not interfere with reasonable further progress toward the attainment of the pre­viously cited standards.~~

~~(E) Permits and Compliance Schedules~~

~~(1) Existing Sources:~~

~~(a) No person shall cause or permit the operation or use of an existing source to which any provision of Reg. 19.1005 applies unless the owner or operator of such source shall have submitted to the Department, prior to the applicable date below, a compliance schedule indicating what steps have been, or will be taken to bring the operation of such source into compliance with the provisions of Reg. 19.1005. The compliance schedule shall be of such form and contain such information as the Department may reasonably require. The applicable date for Reg. 19.1005(A)(B) and (C) is October 1, 1979. The applicable date for Reg. 19.1005(D) and (E) is January 1, 1981. The applicable date for Reg. 19.1005(F) is May 15, 1981.~~

~~(b) No person shall cause the operation or use of an existing source which is affected by any provision of Reg. 19.1005 after the approval date if a compliance schedule of such source under Subsection (a) above has been disapproved by the Department. No compliance schedule for any source shall be approved by the Department unless the Department finds that the controls proposed by the owner or operator will be installed, placed in operation, and that the source will be in compliance with the provisions of Reg. 19.1005 prior to the final compliance date. Extensions beyond the final compliance date may be granted by the Department provided the Department finds that such extensions are necessary to avoid economic hardship and that such extensions will not prevent reasonable further progress toward the attainment of the National Ambient Air Quality Standards for ozone. The approval date for Reg. 19.1005(A)(B) and (C) is February 1, 1981 and for Reg. 19.1005(D)(E) and (F) is February 1, 1982. The final compliance date for Reg. 19.1005(A)(B) and (C) is June 1, 1981, for Reg.19.1005(D) is March 1, 1982, and for Reg. 19.1005(E) and (F) is July 1, 1982.~~

~~(c) No person shall cause or permit the operation of an existing source in a manner which violates the terms of a compliance schedule which has been approved or amended by the Department or which violates the terms of a Department order issued pursuant to the provisions of Reg. 19.1004(D)(1).~~

~~(2) New Sources:~~

~~Except as provided herein, no person shall commence the construction, installation, or modification of a new source after July 1, 1979, unless that person has first received a permit from the Department. Application for permit shall be of such form and contain such information as the Department may reasonably require.~~

~~(a) New Major Sources: No permit shall be issued for the construction, installation or modification of a new major source after July 1, 1979, unless the Department determines the following conditions to have been met:~~

~~(i) The emissions resulting from the proposed source when considered together with all other existing and proposed emissions of volatile organic compounds in Pulaski County will not cause or contribute to emission levels which exceed the allowance permitted for volatile organic compounds under the Arkansas Plan of Implementation for Air Pollution Control, as revised to comply with the provisions of the Clean Air Act.~~

~~(ii) The emissions resulting from the proposed new major source will comply with the requirements of the FCAA which are in effect as of the effective date of this regulation.~~

~~(iii) The owner or operator of the proposed new or modified major source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Arkansas are in compliance, or on a schedule of compliance with all applicable emission limitations and standards under the federal Clean Air Act, including the Arkansas Plan of Implementation for Air Pollution Control.~~

~~(iv) A permit may be issued to a new major source which would otherwise cause or contribute to emission levels which exceed the allowable levels for Pulaski County, as described in the State Implementation Plan for Air Pollution Control, as amended, if the owner or operator of that source first submits legally binding agreements to the Department which reflect emission reductions from other sources in Pulaski County, or from sources within seventy-two (72) miles of the North Little Rock Municipal Airport, which would more than offset the emissions from such proposed new major source. Emission reductions claimed by such owner or operator may not include those emission reductions in Pulaski County which are necessary to reduce the total volatile organic compound emission to the allowable level in Pulaski County.~~

~~(b) Other New Sources:~~

~~(i) No permit shall be issued for a new source of the size, type, class, or category for which the provisions of Reg. 19.1005 apply unless the Department finds that such new source incorporates Reasonably Available Control Technology developed for the kind and amount of volatile organic compounds to be emitted by the source and that, as a minimum, the source will be designed, constructed and oper­ated such that the emissions therefrom, will not exceed the allowable emission rate provided by such section for existing sources.~~

~~(ii) No permit shall be issued for a new source of the size, type, class or category for which a Department Order has been issued pursuant to Reg. 19.1004(D)(1), unless the Department finds that such source incorporates Reasonably Available Control Technology developed for the kind and amount of volatile organic compounds to be emitted by such source and that, as a minimum, the source will be designed, constructed, and operated such that the emissions therefrom will not exceed the rate required of existing sources by such order.~~

~~(F) Testing and Reporting Requirements~~

~~(1) Any person owning or operating sources which are affected by the provisions of the Regulations for the Control of Volatile Organic Compounds shall, upon the request of the Director, furnish such information as may be required to demonstrate compliance with said Regulations. For purposes of this chapter, the provisions of Chapter 7 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control shall apply.~~

~~(2) For purposes of administering the provisions of the Regulations for the Control of Volatile Organic Compounds, the Director shall not be limited to the results obtained from emission tests but may, where appropriate, determine the compliance status of any source with respect to the emission limitations contained herein by the results of engineering evaluations, by inspection reports or by such information submitted, and certified, by the source owner or operator. For purposes of this chapter, a source may be deemed to be in compliance with the emission limitations of said Regulations if the equipment of such source is designed and operated in accordance with the provisions of Reg. 19.1005 or, where Regulations 19.1005 is not applicable, is designed and operated in accordance with the provisions of a Department Order or a permit issued hereunder, provided however, where an emission limitation is applicable to a certain source and where emission testing has been conducted in a manner approved by the Department and where such test demonstrate compliance with such limitations, the source shall be deemed to be in compliance with such limitations.~~

~~(3) To test the leak tightness of gasoline tank trucks as required in Reg. 19.1005(D), the following method and procedures should be followed:~~

~~(a) The owner or operator shall, at his or her own expense demonstrate compliance with Reg. 19.1005(D) by the methods of Part 3 of this subsection or an alternative method approved by the Director.~~

~~(b) The owner or operator of a tank truck subject to this regulation must notify the Director in writing of the date and location of a certification test at least thirty (30) days before the anticipated test date.~~

~~(c) Test procedures to determine compliance with Reg. 19.1005(D) must be approved by the Director and consistent with the test procedures described in Appendix A or C of the OAQPS Guideline Series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA-450/2-78-051.~~

~~(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures described in Appendix B of the OAQPS Guideline Series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA-450/2-78-051.~~

~~(4) To test for compliance with Reg. 19.1005(E) procedures outlined in EPA guideline series document "Measurement of Volatile Organic Compounds," EPA-450/2-78-041 and Appendix A of "Control of Volatile Organics from Existing Stationary Sources--Volume II--Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light Trucks," EPA 450/2-77-008 shall be used.~~

~~(5) To test for compliance with Reg. 19.1005(F) a visual inspection must be conducted at an interval not to exceed one year. For tanks with vapor mounted primary seals, the secondary seal gap area should be determined by measuring the length and width of the gaps around the entire circumference of the secondary seal. Only gaps greater than or equal to 0.32 centimeter (cm) (1/8 inch) shall be used in computing the gap area. The area of the gaps shall be accumulated to determine the compliance with Reg. 19.1005(F)(1)(b). This data along with records of the throughput and type of volatile petroleum liquids for each vessel should be maintained by the owner or operator.~~

~~(G) Circumvention~~

~~(1) No owner or operator subject to these Regulations may build, erect, install, or use any article, machine, equipment, process or method, the use of which conceals an emission which would otherwise constitute a violation of these Regulations.~~

~~(2) The provisions of Reg. 19.1004(G)(1) above include, but are not limited to, the use of gaseous diluents to achieve compliance and the piecemeal carrying out of an operation to avoid coverage by a Regulation that applies only to operations larger than a specified size.~~

~~(H) Malfunctions, Breakdowns, Upsets~~

~~(1) Emissions in excess of these Regulations which are temporary and result solely from a sudden and unavoidable breakdown, malfunction or upset of process or emission control equipment, or sudden and unavoidable upset of operation will not be considered a violation of these Regulations provided:~~

~~(a) the owner or operator notifies the Department of any such occurrence by the end of the next business day of the occurrence; and~~

~~(b) the owner or operator demonstrates to the Director that the suggested period of time for correction is as expeditious as practicable; and~~

~~(c) the breakdown or upset is determined by the Director to be unavoidable and not the result of negligence; and~~

~~(d) within five (5) days after the beginning of the occurrence, a written report is submitted to the Director which includes the cause and nature of the event, estimated quantity of volatile organic compounds emitted, time of emission and to prevent recurrence; and~~

~~(e) the Director is immediately notified when corrective measures have been accomplished.~~

~~(2) [RESERVED]~~

~~Reg. 19.1005 Provisions for Specific Processes~~

~~(A) Gasoline Storage and Marketing~~

~~(1) No person shall cause or permit the loading of gasoline into a storage tank of a gasoline storage or marketing facility with a monthly throughput in excess of 10,000 gallons except through a submerged fill pipe or by bottom loading. This provision shall not apply to storage tanks of less than 4,000 liter capacity (approximately 1,000 gallons).~~

~~(2) No person shall cause or permit the operation of a gasoline bulk facility of less than 87,000 liters (23,000 gallons) per day throughput unless all gas­oline delivery vessels are loaded by submerged fill pipe or bottom filling.~~

~~(3) No person shall cause or permit the operation of a gasoline bulk facility having a daily throughput equal to greater than 87,000 liters (23,000 gallons) per day unless a vapor control system is in place, is properly maintained and is used to prevent gasoline vapors from being emitted into the atmosphere at a rate in excess of 80 milligrams per liter of gasoline loaded (4.7 grains per gallon).~~

~~(B) Petroleum Liquid Storage~~

~~(1) No person shall cause or permit the storage of volatile organic compounds having a true vapor pressure in excess of 10.5 kilopascals (1.52 pounds-force per square inch [psia]) in tanks having a capacity equal to or greater than 150,000 liters (approximately 39,000 gallons) unless such tanks:~~

~~(a) meet the equipment specifications and maintenance requirements of the federal Standards of Performance for New Stationary Sources—Storage Vessels for Petroleum Liquids, 40 CFR 60.110, as amended by proposed rule change,~~ *~~Federal Register~~*~~, May 18, 1978, pages 21617 through 21625; or~~

~~(b) are retrofitted with a floating roof or internal floating cover using a non-metallic resilient seal as a primary seal which meets the equipment specifications in the federal standards referred to in Reg. 19.1005(B)(1)(a), or its equivalent, or~~

~~(c) have a covered floating roof or internal floating cover which is maintained in effective working order and which meets the manufacturer’s equipment specifications in effect at the time it was installed.~~

~~(2) All seals necessary to meet the requirements of Reg. 191005(B)(1)(b) and (c) are to be maintained in good operating condition.~~

~~(3) All openings, except stub drains and those related to safety, are to be sealed with suitable closures when not in use.~~

~~(C) Cutback Asphalt~~

~~No person shall mix, use or apply cutback asphalt for roadway paving except where the cutback asphalt is used solely as a penetrating prime coat or when the maximum ambient temperature on the day of application is less than 15 degrees Celsius (⁰C) (59 degrees Fahrenheit [⁰F]).~~

~~(D) Gasoline Tank Trucks and Vapor Collection Systems~~

~~(1) No person shall allow a gasoline tank truck subject to this regulation to be filled or emptied unless the gasoline tank truck:~~

~~(a) is tested on a schedule acceptable to the Director according to the test procedure referenced in Reg. 19.1004(F)(3);~~

~~(b) sustains a pressure change of no more than 750 pascals (3 inches of water [in. of H~~~~2~~~~O]) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 in. of H~~~~2~~~~O) or evacuated to a gauge pressure of 1,500 pascals (6 in. of H~~~~2~~~~O) during the testing required in Reg. 19.1005(D)(1)(a); and~~

~~(c) is repaired by the owner or operator and retested within 15 days of testing if it does not meet the criteria of Reg. 19.1005(D)(1)(b). subparagraph (1)(b) of this chapter.~~

~~(2) The owner or operator of a vapor collection system subject to this regulation shall:~~

~~(a) Design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:~~

~~(i) Gauge pressure from exceeding 4,500 pascals (18 in. of H~~~~2~~~~O) and vacuum from exceeding 1,500 pascals (6 in. of H~~~~2~~~~O) in the gasoline tank truck;~~

~~(ii) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters from all points on the perimeter of a potential leak source when measured by the method referenced in Reg. 19.1004(F)(3) during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals; and~~

~~(iii) Avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals.~~

~~(b) Within 15 days, repair and retest a vapor collection or control system that exceeds the limit in supporting Reg. 19.1005(D)(2)(a)(ii) above.~~

~~(3) The Director may, at any time, monitor a gasoline tank truck, vapor collection system, or vapor control system by the method referenced in Rule 19.1004(F)(3) to confirm continuing compliance with Reg. 19.1005(D)(1) or (2) of this section.~~

~~(E) Surface Coating of Metal Parts and Products~~

~~(1) No owner or operator of a major source engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this regulation that emits VOC in excess of:~~

~~(a) 0.52 kg/liter (l) 4.3 pounds per gallon [lb/gal]) of coating, excluding water, delivered to a coating applicator that applies clear coatings;~~

~~(b) 0.42 kg/l (3.5 lb/gal) of coating, excluding water, delivered to a coating applicator in a coating application system that utilizes air or forced air dryers;~~

~~(c) 0.42 kg/l (3.5 lb/gal) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings;~~

~~(d) 0.36 kg/l (3.0 lb/gal) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems; and~~

~~(e) The above emission limitations shall include all VOC emissions from both coating and solvent washing unless the solvent is directed into containers that prevent evaporation.~~

~~(2) If more than one emission limitation in Reg. 19.1005(E)(1) applies to a specific coating, then the most stringent emission limitation shall be applied.~~

~~(3) The emission limits set forth in Reg. 19.1005(E)(1) shall be achieved by:~~

~~(a) The application of low solvent coating technology;~~

~~(b) An incineration system which oxidizes at least 90.0 percent of the non-methane VOC measured as total combustible carbon to carbon dioxide and water; or~~

~~(c) An equivalent means of VOC removal. The equivalent means must be certified by the owner or operator and approved by the Director.~~

~~(4) A capture system must be used in conjunction with the emission control system in Reg. 19.1005(E)(3)(b) and (c). The design and operation of a capture system must be consistent with good engineering practice, and shall be required to provide for an overall VOC emission reduction efficiency of at least 80 percent.~~

~~(F) External Floating Roof~~

~~(1) No person shall cause or permit the storage of volatile organic compounds having a true vapor pressure in excess of 10.5 kilo pascals (1.52 psia) in tanks having a capacity equal to or greater than 150,000 liters (approximately 39,000 gallons) equipped with an external floating roof unless:~~

~~(a) The storage tank has been fitted with a continuous secondary seal extending from the floating roof to the tank wall (rim mounted) or an control device with an effectiveness equal to or greater than the secondary seal;~~

~~(b) All seal closure devices meet the following requirements:~~

~~(i) There shall be no visible holes, tears, or other openings in the seals or seals fabric;~~

~~(ii) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank walls; and~~

~~(iii) For vapor mounted seals, the gap area between the secondary seal and the tank wall shall not exceed 21.2 square centimeters per meter of inside tank diameter (1.0 square inch per foot of inside tank diameter);~~

~~(c) All openings in the external floating roof except for automatic bleeder vents, rim space vents, and leg sleeves provide a projection below the liquid surface and are sealed with a suitable closure when not in use;~~

~~(d) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;~~

~~(e) Rim vents are set to open only when the roof is being floated off the leg supports or at the manufacturer's recommended settings; and~~

~~(f) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.~~

~~(2) The following are specifically exempted from the requirements of this subsection:~~

~~(a) External floating roof tanks having capacities less than 1,600,000 liters (10,000 barrels [bbls]) used to store produced crude oil and condensate prior to custody transfer;~~

~~(b) A metallic-type shoe seal in a welded tank which has a secondary seal from the top of the shoe to the tank wall (a shoe-mounted secondary); and~~

~~(c) External floating roof tanks storing waxy, heavy pour crudes.~~

~~Reg. 19.1006 Severability~~

~~If any provision of the Regulations for the Control of Volatile Organic Compounds or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Regulation for the Control of Volatile Organic Compounds which can be given effect without the invalid provision or application, and to this end, the provisions of the Regulations for the Control of Volatile Organic Compounds are declared to be severable.~~

CHAPTER 11: ~~MAJOR~~ Part 70 SOURCE PERMITTING PROCEDURES

An owner or operator of a Part 70 source ~~Facilities~~ subject to ~~Arkansas Pollution Control and Ecology Commission’s Regulation 26, Regulations of the Arkansas Operating Air Permit Program, (Regulation 26)~~ Rule 26 shall be required to have their permit applications processed in accordance with the procedures contained in ~~Regulation~~Rule 26, and these procedures are incorporated by reference~~which are hereby incorporated by reference~~.

CHAPTER 12: [RESERVED]

CHAPTER 13: STAGE I VAPOR RECOVERY

~~Reg.~~ Rule 19.1301 Purpose

~~The purpose of this chapter is to~~This Chapter ~~limit~~limits emissions of ~~VOC~~ volatile organic compounds from gasoline stored in stationary dispensing tanks and from gasoline delivered into ~~such~~ stationary dispensing tanks in areas that EPA has designated to be in nonattainment with the ozone national ambient air quality standard.

~~Reg.~~ Rule 19.1302 Applicability

This ~~rule~~ Chapter applies to:

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

(B) ~~delivery~~Delivery vessels ~~delivering~~ that deliver gasoline to a gasoline dispensing facility in an ozone nonattainment area; and ~~or gasoline service station~~ ~~in a nonattainment area; and this rule applies to all~~

(C) ~~personsowning or operating~~The owner or operator of a gasoline ~~distribution~~ dispensing facility ~~or gasoline service station~~ in ~~a~~ an ozone nonattainment area.

~~Reg.~~ Rule 19.1303 Definitions

(A) “Coaxial vapor recovery system”means a system for the delivery of the gasoline ~~product~~ to ~~the~~ 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. ~~Product~~ 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 ~~trucks~~ or ~~trailers~~ 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 ~~the product~~ 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) ~~psi~~ pounds-force per square inch or greater. This does not include diesel fuel or liquefied petroleum gas ~~(LPG)~~.

(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 ~~such~~ the person:

(1)~~(a)~~ ~~is~~ 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

~~or~~

~~(b) controls, Controls, is controlled by, or is under common control with, a refiner, or~~

~~(c) is Is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner, unless the sole affiliation referred to is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person; or~~

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

~~(3)~~ ~~For purposes of this regulation, the term “refiner” shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day.~~ ~~For purposes of this section, “control” of a corporation means ownership of more than 50 percent of its stock.~~

(H) “Leak free” means ~~a condition in which~~ 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~~, but not limited to~~ without limitation, seepage and escapes from above ground fittings.

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

(J) “Ozone ~~Nonattainment~~nonattainment area” means a county or counties designated by EPA as not meeting the ~~NAAQS~~ 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.

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

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

~~(P)~~(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.

~~(Q)~~(T) “Vapor tight” means a condition in which an organic vapor analyzer or a combustible gas detector at a potential ~~VOC~~ volatile organic compounds leak source shows either less than ten thousand (10,000) ~~ppm~~ 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 ~~manufacturers~~ specifications.

~~Reg.~~ Rule 19.1304 Exemptions

~~This rule~~ 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~~ State or federal statute.

~~Reg.~~ Rule 19.1305 Prohibited Activities

~~No~~ A person ~~may~~ shall not cause~~,~~ or allow ~~or permit~~ 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 ~~herein~~ in Rule 19.1308;

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

(C) The vapor ~~control~~ 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 ~~herein~~.

~~Reg.~~ Rule 19.1306 Record Keeping

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

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

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

~~Reg.~~ 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 ~~Department~~ 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 ~~Department~~ Division.

~~Reg.~~ Rule 19.1308 Vapor Recovery Systems

(A) The vapor ~~control~~ recovery system required by ~~Reg.~~Rule 19.1305 ~~of this rule~~ 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 ~~or unpoppeted~~ 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 ~~90~~ 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.

~~Reg.~~ 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 ~~Gasoline~~ delivery vessel ~~vessels~~ shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport;~~.~~

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

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

~~Reg.~~ Rule 19.1310 Owner~~/~~ or Operator Responsibility

(A) ~~It shall be the responsibility of owners and operators~~ The owner or operator of a gasoline dispensing ~~facilities~~facility ~~and~~ or gasoline service ~~stations~~ ~~to~~ station shall assure compliance with this ~~rule~~ Chapter and ~~to~~ disallow the transfer from any delivery vessel that does not comply with ~~those~~ requirements of ~~this rule~~ Rule 19.309 ~~applicable to delivery vessels~~.

(B) ~~It shall be the responsibility of~~ The owner, operator, and driver ~~owners, operators and drivers~~ of a delivery ~~vessels~~ vessel shall ~~to~~ assure compliance with this ~~rule~~ Chapter and ~~to~~ shall refuse to transfer from any delivery vessel that does not comply with ~~those~~ requirements of ~~this rule~~ Rule 19.1309 ~~applicable to delivery vessels~~.

(C) ~~It shall be the responsibility of owners and operators~~ The owner or operator of a gasoline dispensing ~~facilities~~facility ~~and~~ ~~gasoline service~~ ~~stations~~ ~~to~~ shall ~~to~~ properly maintain, repair, replace, modify, and test the vapor recovery system components of stationary storage tanks ~~regulated herein~~ as required under this Chapter.

(D) ~~It shall be the responsibility of owners and operators~~ The owner or operator of a gasoline dispensing ~~facilities~~facility, gasoline service ~~stations~~station, ~~and~~ or gasoline delivery ~~vehicles~~ vehicle shall ~~to~~ repair and retest equipment within fifteen (15) days of a test that exceeds the limitations ~~set forth herein~~ of Rule 19.

~~Reg.~~ 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 ~~ppm~~ 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 ~~no~~ 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.

~~Reg.~~ Rule 19.1312 Effective Date

(A) The requirements of ~~this rule~~ ~~shall be~~ Rule 19 are effective within ozone nonattainment areas one (1) year after the designation by EPA of an area as ~~a~~ 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, ~~this rule~~ the requirements of this Chapter shall be phased-in as follows:

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

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

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

CHAPTER 14: [RESERVED] ~~CAIR NO~~~~X~~ ~~OZONE SEASON TRADING PROGRAM GENERAL PROVISIONS~~

~~Reg. 19.1401 Adoption of Regulations~~

~~40 C.F.R. Part 96, Subparts AAAA-HHHH for the CAIR NO~~~~x~~ ~~Ozone Season Trading Program, as finalized by the EPA on May 12, 2005, and further revised by EPA on April 28, 2006, with correcting amendments on December 13, 2006, and on October 19, 2007, are herein incorporated by reference with the exception of Subpart EEEE (CAIR NO~~~~x~~ ~~Ozone Season Allowance Allocations) and all references to CAIR NO~~~~x~~ ~~Ozone Season Opt-in Units, which, along with Subpart IIII (CAIR NO~~~~x~~ ~~Ozone Season Opt-in Units), are not incorporated. The following rules replace 40 C.F.R. § 96 Subpart EEEE.~~

~~Reg.19.1402 State Trading Budget~~

~~The Arkansas State trading budgets for annual allocations for CAIR NO~~~~x~~ ~~Ozone Season allowances have been set by EPA as follows: for the control periods of 2009 through 2014, 11,515 tons per control period; and for the control periods for 2015 and beyond, 9,596 tons per control period. The total number of allowances allocated by the State of Arkansas shall not exceed these budgets for their respective control periods.~~

~~Reg. 19.1403 Timing Requirements for CAIR NO~~~~x~~ ~~Ozone Season Allowance Allocations~~

~~(A) For EGUs allocated allowances under Reg. 19.1404(B) and (C), the Department will determine and notify the Administrator of each unit’s allocation of CAIR NO~~~~x~~ ~~Ozone Season allowances by April 30, 2007, for 2009, 2010, and 2011 and by October 31, 2008, and October 31 of each year thereafter for the 4~~~~th~~ ~~year after the notification deadline.~~

~~(B) `For EGUs allocated allowances under Reg. 19.1404(D), the Department will determine and notify the Administrator of each unit’s allocation of CAIR NO~~~~x~~ ~~Ozone Season allowances by July 31 of the year for which the CAIR NO~~~~x~~ ~~Ozone Season allowances are allocated.~~

~~Reg.19.1404 CAIR NO~~~~x~~ ~~Ozone Season Allowance Allocations~~

~~(A) The baseline gross electric generation (in MWh) used with respect to CAIR NO~~~~x~~ ~~Ozone Season allowance allocations under Reg. 19.1404(B) for each CAIR NO~~~~x~~ ~~Ozone Season unit that has operated each calendar year during a period of five (5) or more consecutive calendar years, the average of the three (3) highest amounts of the unit’s control period gross electrical output over the five (5) years immediately preceding the year in which allocations are due to EPA, provided that gross electrical output of a generator served by two or more units will be attributed to each unit in proportion to each unit’s share of the total control period heat input of such units for the year. For the allocations allocated for 2009, 2010, 2011, baseline data will be determined using gross electrical output for years 2000 through 2004.~~

~~(B) With regard to the timing requirements contained in Reg. 19.1403, for each control period in 2009 and thereafter, the Department will allocate to all CAIR NO~~~~x~~ ~~Ozone Season units in the State that have baseline gross electric generation (as determined under Reg. 19.1404(A)) a total amount of CAIR NO~~~~x~~ ~~Ozone Season allowances equal to 95 percent for a control period, of the tons of NO~~~~x~~ ~~emissions in the State trading budget under Reg. 19.1402 (except as provided in Reg. 19.1404(E)).~~

~~(C) The Department will allocate CAIR NO~~~~x~~ ~~Ozone Season allowances to each CAIR NO~~~~x~~ ~~Ozone Season unit under Reg. 19.1404(B) in an amount determined by multiplying the total amount of CAIR NO~~~~x~~ ~~Ozone Season allowances allocated under Reg. 19.1404(B) by the ratio of the baseline gross electric generation of such CAIR NO~~~~x~~ ~~Ozone Season unit to the total amount of baseline gross electric generation of all such CAIR NO~~~~x~~ ~~Ozone Season units in the State and rounding to the nearest whole allowances as appropriate.~~

~~(D) For each control period in 2009 and thereafter, the Department will allocate CAIR NO~~~~x~~ ~~Ozone Season allowances to CAIR NO~~~~x~~ ~~Ozone Season units in the State that do not yet have a baseline gross electric generation (as determined under Reg. 19.1404(A)), in accordance with the following procedures:~~

~~(1) The Department will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated CAIR NO~~~~x~~ ~~Ozone Season allowances equal to five percent (5%) of the amount of tons of NO~~~~x~~ ~~emissions in the State trading budget under Reg. 19.1402.~~

~~(2) The CAIR designated representative of such a CAIR NO~~~~x~~ ~~Ozone Season unit may submit to the Department a request, in a format specified by the Department, to be allocated CAIR NO~~~~x~~ ~~Ozone Season allowances, starting with the later of the control period in 2009 or the first control period after the control period in which the CAIR NO~~~~x~~ ~~Ozone Season unit commences commercial operation and until the first control period for the which the unit is allocated CAIR NO~~~~x~~ ~~Ozone Season allowances under Reg. 19.1404(B). The CAIR NO~~~~x~~ ~~Ozone Season allowance allocation request must be submitted on or before January 1 of the first control period for which the CAIR NO~~~~x~~ ~~Ozone Season allowances are requested and after the date on which the CAIR NO~~~~x~~ ~~Ozone Season unit commences commercial operation.~~

~~(3) In a CAIR NO~~~~x~~ ~~Ozone Season allowance allocation request under Reg. 19.1404(D)(2), the CAIR designated representative may request for a control period CAIR NO~~~~x~~ ~~Ozone Season allowances in an amount not exceeding the CAIR NO~~~~x~~ ~~Ozone Season unit’s total tons of NO~~~~x~~ ~~emissions during the control period immediately before such control period.~~

~~(4) The Department will review each CAIR NO~~~~x~~ ~~Ozone Season allowance allocation request under Reg. 19.1404(D)(2) and will allocate CAIR NO~~~~x~~ ~~Ozone Season allowances for each control period pursuant to such request as follows:~~

~~(a) The Department will accept an allowance allocation request only if the request meets, or is adjusted by the Department as necessary to meet, the requirements of Reg. 19.1404(D)(2) and (3).~~

~~(b) On or after February 1 of the control period, the Department will determine the sum of the CAIR NO~~~~x~~ ~~Ozone Season allowances requested (as adjusted under Reg. 19.1404(D)(4)(a)) for the control period.~~

~~(c) If the amount of CAIR NO~~~~x~~ ~~Ozone Season allowances in the new unit set-aside for the control period is greater than or equal to the sum under Reg. 19.1404 (D)(4)(b), then the Department will allocate the amount of CAIR NO~~~~x~~ ~~Ozone Season allowances requested (as adjusted under Reg. 19.1404 (D)(4)(a)) to each CAIR NO~~~~x~~ ~~Ozone Season unit covered by Reg. 19.1404 (D)(4)(a).~~

~~(d) If the amount of CAIR NO~~~~x~~ ~~Ozone Season allowances in the new unit set-aside for the control period is less than the sum under Reg. 19.1404 (D)(4)(b), then the Department will allocate to each CAIR NO~~~~x~~ ~~Ozone Season unit covered by an allowance allocation request accepted under Reg. 19.1404 (D)(4)(a) the amount of the CAIR NO~~~~x~~ ~~Ozone Season allowances requested (as adjusted under Reg. 19.1404 (D)(4)(a)), multiplied by the amount of CAIR NO~~~~x~~ ~~Ozone Season allowances in the new unit set-aside for the control period, divided by the sum determined under Reg. 19.1404 (D)(4)(b), and rounded to the nearest whole allowance as appropriate.~~

~~(e) The Department will notify each CAIR designated representative that submitted an allowance allocation request of the amount of CAIR NO~~~~x~~ ~~Ozone Season allowances (if any) allocated for the control period to the CAIR NO~~~~x~~ ~~Ozone Season unit covered by the request.~~

~~(E) If, after completion of the procedures under Reg. 19.1404(D)(4) for a control period, any unallocated CAIR NO~~~~x~~ ~~Ozone Season allowances remain in the new unit set-aside for the control period, the Department will allocate to each CAIR NO~~~~x~~ ~~Ozone Season unit that was allocated CAIR NO~~~~x~~ ~~Ozone Season allowances under Reg. 19.1404 (B) an amount of CAIR NO~~~~x~~ ~~Ozone Season allowances equal to the total amount of such remaining unallocated CAIR NO~~~~x~~ ~~Ozone Season allowances, multiplied by the unit’s allocation under Reg. 19.1404(B), divided by ninety-five percent (95%) of the amount of tons of NO~~~~x~~ ~~emissions in the State trading budget under Reg. 19.1402, and rounded to the nearest whole allowance as appropriate.~~

CHAPTER 15: ~~REGIONAL HAZE~~Best Available Retrofit Technology

~~Reg.~~ Rule 19.1501 Purpose

~~The purpose of this chapter is to~~ This Chapter ~~establish~~establishes certain best available retrofit control technology requirements and compliance provisions pursuant to the 40 CFR § 51.308 as of June 22, 2007~~regional haze program requirements~~.

~~Reg.~~ Rule 19.1502 Definitions

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

~~Reg.~~ Rule 19.1503 [RESERVED] ~~BART Eligible Sources~~

~~The following are BART-eligible sources:~~

| ~~BART Source Category Number and Name~~ | ~~Facility Name~~ | ~~AFIN~~ | ~~Unit ID~~ | ~~Unit Description~~ |
| --- | --- | --- | --- | --- |
| ~~1. Fossil fuel-fired Electric Plants > 250 million British thermal units (MMbtu)/hour – Electric Generating Units (EGUs)~~ | ~~Arkansas Electric Coop – Carl E. Bailey~~ | ~~74-00024~~ | ~~SN-01~~ | ~~Boiler~~ |
| ~~Arkansas Electric Coop – John L. McClelland Generating Station~~ | ~~52-00055~~ | ~~SN-01~~ | ~~Boiler~~ |
| ~~Entergy Arkansas, Inc. – Lake Catherine Plant~~ | ~~30-00011~~ | ~~SN-03~~ | ~~Unit 4 Boiler~~ |
| ~~Entergy Arkansas – Ritchie~~ | ~~54-00017~~ | ~~SN-02~~ | ~~Unit 2~~ |
| ~~Entergy Arkansas, Inc. – White Bluff~~ | ~~35-00110~~ | ~~SN-01~~ | ~~Unit 1 Boiler~~ |
| ~~SN-02~~ | ~~Unit 2 Boiler~~ |
| ~~SN-05~~ | ~~Auxiliary Boiler~~ |
| ~~SWEPCO Flint Creek Power Plant~~ | ~~04-00107~~ | ~~SN-01~~ | ~~Boiler~~ |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ~~3. Kraft Pulp Mills~~ | ~~Domtar Industries, Inc. – Ashdown Mill~~ | ~~41-00002~~ | ~~SN-03~~ | ~~#1 Power Boiler~~ |
| ~~SN-05~~ | ~~#2 Power Boiler~~ |
| ~~Delta Natural Kraft and Mid America Packaging, LLC.~~ | ~~35-00017~~ | ~~SN-02~~ | ~~Recovery Boiler~~ |
| ~~Evergreen Packaging Inc., Pine Bluff Mill~~ | ~~35-00016~~ | ~~SN-04~~ | ~~#4 Recovery Boiler~~ |
| ~~Georgia-Pacific Corporation – Crossett Paper Operations~~ | ~~02-00013~~ | ~~SN-19~~ | ~~6A Boiler~~ |
| ~~SN-22~~ | ~~9A Boiler~~ |
| ~~Green Bay Packaging, Inc. – Arkansas Kraft Division~~ | ~~15-00001~~ | ~~SN-05A~~ | ~~Recovery Boiler~~ |
| ~~Potlatch Forest Products Corporation – Cypress Bend Mill~~ | ~~21-00036~~ | ~~SN-04~~ | ~~Power Boiler~~ |
| ~~11. Petroleum Refineries~~ | ~~Lion Oil Company~~ | ~~70-00016~~ | ~~SN-809~~ | ~~#7 Catalyst Regenerator~~ |
| ~~15. Sulfur Recovery Plant~~ | ~~Albermarle Corporation – South Plant~~ | ~~14-00028~~ | ~~SR-01~~ | ~~Tail Gas Incinerator~~ |
| ~~19. Sintering Plants~~ | ~~Big River Industries~~ | ~~18-00082~~ | ~~SN-01~~ | ~~Kiln A~~ |
| ~~21. Chemical Processing Plants~~ | ~~Albermarle Corporation – South Plant~~ | ~~14-00028~~ | ~~BH-01~~ | ~~Boiler #1~~ |
| ~~BH-02~~ | ~~Boiler #2~~ |
| ~~FutureFuels Chemical Co.~~ | ~~32-00036~~ | ~~6M01-01~~ | ~~3 Coal Boilers~~ |
| ~~El Dorado Chemical Company~~ | ~~70-00040~~ | ~~SN-08~~ | ~~West Nitric Acid Plant~~ |
|  | ~~SN-09~~ | ~~East Nitric Acid Plant~~ |
|  | ~~SN-10~~ | ~~Nitric Acid Concentrator~~ |

Rule 19.1504 [RESERVED] ~~Facilities Subject-to-BART~~

~~(A) The following sources are subject-to-BART:~~

|  |  |  |  |
| --- | --- | --- | --- |
| ~~AFIN~~ | ~~Facility Name~~ | ~~Source #~~ | ~~Source Name~~ |
| ~~74-00024~~ | ~~Arkansas Electric Cooperative Corporation Carl E. Bailey Generating Station~~ | ~~SN-01~~ | ~~Boiler~~ |
| ~~52-00055~~ | ~~Arkansas Electric Cooperative Corporation John L. McClellan Generating Station~~ | ~~SN-01~~ | ~~Boiler~~ |
| ~~41-00002~~ | ~~Domtar Industries, Inc. Ashdown Mill~~ | ~~SN-03~~ | ~~#1 Power Boiler~~ |
| ~~SN-05~~ | ~~#2 Power Boiler~~ |
| ~~30-00011~~ | ~~Entergy Arkansas, Inc. – Lake Catherine Plant~~ | ~~SN-03~~ | ~~Unit 4 Boiler~~ |
| ~~35-00110~~ | ~~Entergy Arkansas, Inc. – White Bluff~~ | ~~SN-01~~ | ~~Unit 1 Boiler~~ |
| ~~SN-02~~ | ~~Unit 2 Boiler~~ |
| ~~SN-05~~ | ~~Auxiliary Boiler~~ |
| ~~04-00107~~ | ~~SWEPCO Flint Creek Power Plant~~ | ~~SN-01~~ | ~~Boiler~~ |

~~(B) Each source subject-to-BART shall install and operate BART as expeditiously as practicable, but in no event later than 6 years after the effective date of this regulation or five (5) years after EPA approval of the Arkansas Regional Haze State Implementation Plan, whichever comes first.~~

~~(C) Each source subject-to-BART shall maintain the control equipment required by this chapter and establish procedures to ensure such equipment is properly operated and maintained.~~

~~Reg.~~ Rule 19.1505 ~~BART~~ Best Available Retrofit Technology Requirements

(A) ~~On or before the compliance date required under Reg. 19.1504(B), SWEPCO Flint Creek Power Plant, SN-01 shall comply with BART by meeting the following emission limits:~~

~~(1) 0.15 pounds of sulfur dioxide (SO~~~~2~~~~) per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.23 pounds of nitrogen oxides (NO~~~~x~~~~) per million Btu of heat input (0.23 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit satisfies the BART particulate matter requirement.~~

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.

~~(A) On or before the compliance date required under Reg. 19.1504(B), Arkansas Electric Cooperative Corporation Carl E. Bailey Generating Station, SN-01 shall comply with BART by burning fuel oil that has a 1% or less sulfur content by weight.~~

(B) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Arkansas Electric Cooperative Corporation John L. McClellan Generating Station, SN-01 shall comply with BART by burning fuel oil that has a 1% or less sulfur content by weight.~~

(C) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #1 Power Boiler, SN-03 shall comply with BART by meeting the following emission limits:~~

~~(1) 1.12 pounds of SO~~~~2~~ ~~per million Btu of heat input (1.12 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.46 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.46 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) 0.07 pounds of PM~~~~10~~ ~~per million Btu of heat input (0.07 lb/MMBtu) on a 30-day rolling average.~~

(D) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #2 Power Boiler, SN-05 shall comply with BART by meeting the following emission limits:~~

~~(1) 1.20 pounds of SO~~~~2~~ ~~per million Btu of heat input (1.20 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.450 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.450lb/MMBtu) on a 30-day rolling average; and~~

~~(3) 0.10 pounds of PM~~~~10~~ ~~per million Btu of heat input (0.10 lb/MMBtu) on a 30-day rolling average.~~

(E) ~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 1 Boiler, SN-01 shall comply with BART by meeting the following emission limits when burning bituminous coal:~~

~~(1) 0.15 pounds of SO~~~~2~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.28 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.28 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirement.~~

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]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 1 Boiler, SN-01 shall comply with BART by meeting the following emission limits when burning sub-bituminous coal:~~

~~(1) 0.15 pounds of SO~~~~2~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.15 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

(G) [RESERVED]~~When burning a mix of bituminous coal and sub-bituminous coal in the Unit 1 Boiler at Entergy Arkansas, Inc. – White Bluff the NO~~~~x~~ ~~BART limits shall be prorated using the percentage of each of coal being burned.~~

(H) ~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 2 Boiler, SN-02 shall comply with BART by meeting the following emission limits when burning bituminous coal:~~

~~(1) 0.15 pounds of SO~~~~2~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.28 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.28 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

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]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 2 Boiler, SN-02 shall comply with BART by meeting the following emission limits when burning sub-bituminous coal:~~

~~(1) 0.15 pounds of SO~~~~2~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.15 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

(J) [RESERVED]~~When burning a mix of bituminous coal and sub-bituminous coal in the Unit 2 Boiler at Entergy Arkansas, Inc. – White Bluff the NO~~~~x~~ ~~BART limits shall be prorated using the percentage of each of coal being burned.~~

(K) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, auxiliary boiler, SN-05 shall comply with BART by restricting operation to not more than 4360 hours annually.~~

(L) ~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – Lake Catherine Plant, Unit 4 Boiler, SN-03 shall comply with BART by meeting the following emission limits when burning natural gas:~~

~~(1) 0.15 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average; and~~

~~(2) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

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]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – Lake Catherine Plant, Unit 4 Boiler, SN-03 shall comply with BART by meeting the following emission limits when burning oil:~~

~~(1) 0.562 pounds of SO~~~~2~~ ~~per million Btu of heat input (0.562 lb/MMBtu) on a 30 day rolling average;~~

~~(2) 0.25 pounds of NO~~~~x~~ ~~per million Btu of heat input (0.25 lb/MMBtu) on a 30 day rolling average; and~~

~~(3) 0.037 pounds of PM~~~~2.5~~ ~~per million Btu of heat input (0.037 lb/MMBtu) on a 30 day rolling average.~~

~~Reg.~~ Rule 19.1506 Compliance Provisions

~~Each facility listed in Reg.19.1504(A) as being subject to BART shall demonstrate compliance with the BART limits listed in 19.1505 in accordance with the provisions of Chapter 7 of this regulation.~~

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.

~~Reg.~~ Rule 19.1507 ~~Permit Reopening~~[RESERVED]

~~The Part 70 permit of each facility subject-to-BART shall be subject to re-opening in accordance with section 26.1011(A) of Arkansas Pollution Control and Ecology Commission Regulation 26.~~

CHAPTER 16: [RESERVED] ~~EFFECTIVE DATE~~

~~Reg.~~Rule 19.1601 ~~Effective Date~~ [RESERVED]

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

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

~~REGULATION NO.~~

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 ~~of these~~ listed activities include qualifying statements intended to exclude many similar activities. By ~~such~~ listing these activities, the ~~Department~~ 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 ~~regulation~~ this rule for the listed activity. Listing in ~~this part~~ Appendix A has no effect on any other law to which the activity may be subject. Any activity for which a ~~state~~ State or federal applicable requirement applies (including without limitation ~~such as~~ ~~NSPS~~ a new source performance standard, a national emission standard for hazardous air pollutants ~~National Emission Standards for Hazardous Air Pollutants~~ ~~[NESHAP]~~, or ~~Maximum Achievable Control Technology~~ ~~[MACT]~~ maximum achievable control technology) is not an insignificant activity, even if this activity meets the criteria for Group A or Group B~~below~~.

**Group A**

The ~~following~~ emission units, operations, or activities included in Group A shall ~~must~~ either be listed as an insignificant activity or included in the permit application as a stationary source or emissions unit ~~sources~~ 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 ~~MMBtu~~ per hour~~, provided that~~ if the aggregate air pollutant-specific emissions from all ~~such~~ units listed as insignificant do not exceed five (5) tons per year ~~(tpy)~~ of any combination of hazardous air pollutants ~~HAPs,~~ ~~75,000 tpy carbon dioxide,~~ and ten (10) ~~tpy~~  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) ~~psia~~ pounds-force per square inch absolute~~, provided that~~ if the aggregate air pollutant-specific emissions from all ~~such~~ liquid storage tanks listed as insignificant do not exceed five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants and ten (10) ~~tpy~~ 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) ~~psia~~ pounds-force per square inch absolute~~, provided that~~ if the aggregate air pollutant-specific emissions from all ~~such~~ liquid storage tanks listed as insignificant do not exceed five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants and ten (10) ~~tpy~~ tons per year of any other air pollutant.

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

5. Emissions from laboratory ~~equipment/vents~~ equipment, including vents, used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes if ~~provided that~~ the aggregate air pollutant-specific emissions from all ~~such~~ laboratory equipment~~/vents~~ considered insignificant do not exceed five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants and ten (10) ~~tpy~~ 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 ~~HAPs~~ hazardous air pollutants in excess of one-tenth (0.1) ~~tpy~~ tons per year .

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

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

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

(a) ~~ten~~ Ten (10) ~~tpy~~ tons per year of any air pollutant regulated under ~~this regulation~~ Rule 19;

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

(c) ~~five~~ Five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ 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 ~~provided that~~ the emissions are less than: ~~ten~~

(a) Ten (10) ~~tpy~~ tons per year of any air pollutant regulated under ~~this regulation~~ Rule 19; ~~or less than two~~

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

(c) Five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants. ~~This does not include emissions from air-stripping or storage.~~

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

(a)  ~~is~~ Is of equal or smaller capacity than the primary operating unit;~~, cannot~~

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

(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. ~~This does not apply to generators which provide electricity to the distribution grid.~~

13. Other activities for which the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or rule ~~regulation provided that~~ if the sum of the emissions of all the activities listed under Group A are less than: ~~75,000 tpy carbon dioxide,~~ ~~one~~

(a) One (1) ~~tpy~~ tons per year of a single ~~HAP~~ hazardous air pollutant; ~~or two~~

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

(c) Five ~~five~~ (5) ~~tpy~~ tons per year of any other air pollutant regulated under Rule 19~~this regulation~~. ~~These emission limits apply to the sum of all activities listed under this group.~~

**Group B**

The ~~following~~ ~~emission~~ emissions units, operations, or activities listed in Group B do not need ~~not~~ 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 ~~federal~~ Clean Air Act~~, as amended~~. 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 ~~pollutant~~ 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~~, but is not limited to such activities as~~ 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 ~~facility~~ 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 ~~HAPs~~ 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 ~~VOCs~~ volatile organic compounds or ~~HAPs~~ 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, ~~provided~~ 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 ~~VOCs~~ volatile organic compounds in the adhesive;~~.~~

29. Lasers used only on metals and other materials which do not emit ~~HAPs~~ 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 ~~this~~ ~~regulation~~;~~.~~

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, ~~provided~~ 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 ~~Act~~ Clean Air Act ~~as of July 1, 1997~~, 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 ~~Department~~ 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**

**~~REGULATION NO.~~**

**RULE 19**

**APPENDIX B**

NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

##

APPENDIX B: NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

The ~~National Ambient Air Quality Standards~~ national ambient air quality standards as adopted as of the effective date of ~~this~~ ~~Regulation~~Rule 19 are listed below.

| **Air Pollutant** | **Final Rule ~~Cite~~ Citation**  | **Final Rule Date** | **Primary /****Secondary** | **Averaging Time** | **Level** | **Form** | **Applicable Chapters** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Carbon Monoxide | 76 FR 54294  | August 31, 2011 | Primary | ~~8-hour~~ Eight-hour | Nine (9) ~~ppm~~ parts per million | Not to be exceeded more than once per year | All Chapters |
| ~~1-hour~~ One-hour | Thirty-five (35) ~~ppm~~ parts per million | All Chapters |
| Lead | 73 FR 66964  | November 12, 2008 | Primary and secondary | Rolling ~~3~~ three-month average | 0.15 micrograms per cubic meter~~μg/m~~~~3~~ | Not to be exceeded | All Chapters |
| Nitrogen Dioxide | 75 FR 6474 | February 9, 2010 | Primary | ~~1-hour~~ One-hour | One hundred (100 ) ~~ppb~~ 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) ~~ppb~~ parts per billion | Annual Mean | All Chapters |
| Ozone | 80 FR 65292 | October 26, 2015 | Primary and secondary | ~~8-hour~~ Eight-hour | 0.070parts per million ~~ppm~~  | Annual fourth-highest daily maximum ~~8-hr~~ 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 ~~μg/m~~~~3~~ | Annual mean, averaged over three (3) years | All Chapters |
| 71 FR 61144  | October 17, 2006 | Secondary | Annual | Fifteen (15) micrograms per cubic meter ~~μg/m~~~~3~~ |
| Primary and secondary | ~~24-hour~~ Twenty-four-hour | Thirty-five (35) micrograms per cubic meter ~~μg/m~~~~3~~ | Ninety-eighth (98th) percentile, averaged over three (3) years | All Chapters |
| Particle Pollution, PM10 | 71 FR 61144  | October 17, 2006 | Primary and secondary | ~~24-hour~~ Twenty-four-hour | One-hundred fifty (150) micrograms per cubic meter ~~μg/m~~~~3~~ | 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 | ~~1-hour~~ One-hour | Seventy-five (75) ~~ppb~~ parts per billion | Ninety-ninth (99th) percentile of ~~1-hour~~ one-hour daily maximum concentrations, averaged over three (3) years | All Chapters |
| 38 FR 25678 | September 14, 1973 | Secondary | ~~3-hour~~ Three-hour | 0.5 parts per million ~~ppm~~ | 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 ~~VOC~~ volatile organic compounds or ~~HAP~~ hazardous air pollutants control requirements. Asphalt batch plant owners/operators must get a permit. [↑](#footnote-ref-2)
3. "Moved by hand" means ~~that it can be~~ 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 ~~HAP~~ 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 ~~HAP~~ 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)