

Arkansas Pollution Control and Ecology Commission

Regulation 19



Regulations of the Arkansas Plan of Implementation for Air Pollution Control

Effective Date: February 15, 1999

EFFECTIVE DATE:

This regulation and any amendment thereof shall be in full force and effect on February 15, 1999.

It was filed with the Secretary of State of February 5, 1999 and took effect 10 days after the filing.

The Arkansas Pollution Control & Ecology Commission adopted the regulation on January 22, 1999.

Regulation 19

Regulations of the Arkansas Plan of Implementation for Air Pollution Control

Table of Contents

CHAPTER 1: TITLE, INTENT, AND PURPOSE	1-1
Section 19.101 Title	1-1
Section 19.102 Applicability	1-1
Section 19.103 Intent and Construction	1-1
Section 19.104 Severability	1-2
CHAPTER 2: DEFINITIONS	2-1
CHAPTER 3: PROTECTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS	3-1
Section 19.301 Purpose	3-1
Section 19.302 Department Responsibilities	3-1
Section 19.303 Regulated Sources Responsibilities	3-1
Section 19.304 Delegated Federal Programs	3-2
CHAPTER 4: MINOR SOURCE REVIEW	4-1
Section 19.401 General Applicability	4-1
Section 19.402 Approval Criteria	4-1
Section 19.403 Owner/Operator's Responsibilities	4-1
Section 19.404 Required Information	4-1
Section 19.405 Action on Application	4-2
Section 19.406 Public Participation	4-3
Section 19.407 Permit Amendments	4-5
Section 19.408 Exemption from Permitting	4-9
Section 19.409 Transition	4-9
Section 19.410 Permit Revocation and Cancellation	4-9
Section 19.411 General Permits	4-10
Section 19.412 Dispersion Modeling	4-10
Section 19.413 Confidentiality	4-11
CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT	5-1
Section 19.501 Purpose	5-1
Section 19.502 General Regulations	5-1
Section 19.503 Visible emission regulations	5-1
Section 19.504 Stack height/dispersion regulations	5-2
Section 19.505 Revised emissions limitation	5-2
CHAPTER 6: UPSET AND EMERGENCY CONDITIONS	6-1
Section 19.601 Upset conditions	6-1
Section 19.602 Emergency conditions	6-1

CHAPTER 7: SAMPLING, MONITORING, AND REPORTING REQUIREMENTS	7-1
Section 19.701 Purpose	7-1
Section 19.702 Air Emissions Sampling	7-1
Section 19.703 Continuous Emissions Monitoring	7-2
Section 19.704 Notice of Completion	7-3
Section 19.705 Record Keeping and Reporting Requirements	7-3
Section 19.706 Public Availability of Emissions Data	7-3
CHAPTER 8: 111(d) DESIGNATED FACILITIES	8-1
Section 19.801 Purpose	8-1
Section 19.802	8-1
Section 19.803 Sulfuric Acid Plants (H ₂ SO ₄ Mist)	8-1
Section 19.804 Kraft Pulp Mills (TRS)	8-1
CHAPTER 9: PREVENTION OF SIGNIFICANT DETERIORATION	9-1
Section 19.901 Title	9-1
Section 19.902 Purposes	9-1
Section 19.903 Definitions	9-1
Section 19.904 Adoption of Regulations	9-1
CHAPTER 10: REGULATIONS FOR THE CONTROL OF VOLATILE ORGANIC COMPOUNDS	10-1
Section 19.1001 Title	10-1
Section 19.1002 Purpose	10-1
Section 19.1003 Definitions	10-1
Section 19.1004 General Provisions	10-4
Section 19.1005 Provisions For Specific Processes	10-10
Section 19.1006 Severability	10-13
CHAPTER 11: MAJOR SOURCE PERMITTING PROCEDURES	10-1
APPENDIX A INSIGNIFICANT ACTIVITIES LIST	A-1

CHAPTER 1: TITLE, INTENT, AND PURPOSE

Section 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 A.C.A. §§ 8-4-201 et seq., shall be known as “Regulations of the Arkansas Plan of Implementation of Air Pollution Control,” hereinafter referred to as the “Regulations of the Plan,” and “Regulation 19.”

Section 19.102 Applicability

These regulations are applicable to any stationary source which has the potential to emit any federally regulated air pollutant.

Section 19.103 Intent and Construction

- (A) The purpose and intent of Regulation 19, as amended, 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 U.S.C. §§ 7401 et seq., and the federal regulations stemming therefrom. 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 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 CFR Part 51), and certain delegated subparts of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63). This subsection shall not be construed as limiting the future delegation of federal programs to the Department for administration.
- (B) Regulation 19, as amended, is further intended to limit the federal enforceability of its requirements to only those mandated by federal law. Regulation 19, as amended, is also intended to facilitate a permit system for stationary sources within the State, which permit shall provide which provisions are federally enforceable and which provisions are state enforceable.
- (C) Regulation 19, as amended, presumes a single-permit system, encompassing both federal and state requirements. A regulated facility which is subject to permitting under Regulation 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 19, as well as conditions predicated solely on state law. Regulation 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 19. Permits or permit conditions issued under the authority of state law, or enforcement issues arising out of state law, shall not be federally

enforceable.

- (D) To the extent consistent with state law and efficient protection of the State's air quality, Regulation 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 Environmental Protection Agency which are consistent with this policy and the legislative intent of state laws governing air pollution control (A.C.A. § 8-4-301 et seq.) are aids for construing the requirements of Regulation 19. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this regulation unless manifestly inconsistent with its substantive terms.
- (E) Nothing in Regulation 19 shall be construed as curtailing the Department's or Commission's authority under state law.

Section 19.104 Severability

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

CHAPTER 2: DEFINITIONS

Terms and phrases used in this regulation which are not explicitly defined herein shall have the same meaning as those terms which are used in the federal Clean Air Act. For purposes of this regulation:

“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 source operation or amount of material processed. **“Commission”** means the Commission on Pollution Control and Ecology of the State of Arkansas.

“Construction” means fabrication, erection, or installation of equipment. See also 40 CFR 60.2, 40 CFR 51.165, and 40 CFR 52.21.

“Control apparatus” means any device which prevents, controls, detects or records the emission of any federally regulated air pollutants. **“Department”** means the Arkansas Department of Pollution Control and Ecology, 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 Pollution Control and Ecology, or its successor, acting directly or through the staff of the Department.

“Emission limitation” and **“emission standard”** mean a requirement established by the Department or the Administrator of the United States Environmental Protection Agency which limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a 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 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”** 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 regulation.

“Federally regulated air pollutant” means the following:

- (1) Nitrogen oxides or any volatile organic compounds;
- (2) Any pollutant for which a National Ambient Air Quality Standard has been promulgated;
- (3) Any pollutant that is subject to any standard promulgated under 42 U.S.C. §§ 7401, et seq., as of the effective date of this regulation;
- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, as amended, 42 U.S.C. §§ 7401, et seq.

“Fugitive emissions” means those emissions which 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, 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 those industries for which an approved EPA definition exist under federal law or regulation and which are meeting that law or regulation.

“Hazardous Air Pollutant” 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.

“Modification” means any physical change in, or change in the method of operation of, a stationary source which 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:

- (1) Routine maintenance, repair, and replacement shall not be considered a physical change, and
- (2) The following shall not be considered a change in the method of operation:
 - (a) Any change in the production rate, if such change does not exceed the permitted operating capacity of the source;
 - (b) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or
 - (c) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.

- (3) *De Minimis* changes, as defined in §19.407(C), and changes in ownership shall not be considered.

“National Ambient Air Quality Standard” or “(NAAQS),” mean those ambient air quality standards promulgated by the EPA in 40 CFR Part 50.

“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.

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

“Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than 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 CFR Part 60 Appendix A or by a test method specified in these regulations or any supplement thereto.

“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.

“PM₁₀” means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50, or by an equivalent method designated in accordance with 40 CFR Part 53.

“PM₁₀ emissions” means PM₁₀ emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 51, Appendix M, or by a test method specified in these regulations 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. Any physical or operational limitation on the capacity of the source to emit a federally regulated air pollutant, including, but not, limited to, 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.* Secondary air emissions do not count in determining the potential to emit of a stationary source.

“Responsible official” means one of the following:

- (1) 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 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:
 - (a) The facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (b) The delegation of authority to such representative is approved in advance by the Department;
- (2) For partnership or sole proprietorship: a general partner or the proprietor, respectively;
- (3) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this regulation, 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
- (4) For acid rain sources:
 - (a) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
 - (b) The designated representative for any other purposes under Part 70.

“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.

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

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

- (1) This does not include any such organic compound which has been determined by the EPA to have negligible photochemical reactivity, as of the effective date of

this regulation. As of the effective date of this regulation, the following compounds have been determined to have negligible photochemical reactivity:

acetone;
methane;
ethane;
methylene chloride (dichloromethane);
1,1,1- trichloroethane (methyl chloroform);
tetrachloroethylene (perchloroethylene);
1,1,1 trichloro-2,2,2- 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-1,1,1,2 tetrafluoroethane (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);
ethylfluoride (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);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-
heptafluoropropane((CF₃)₂CF₂OCH₃);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅);

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OC₂H₅); methyl acetate and perfluorocarbon compounds which fall into these classes:

- (a) cyclic, branched, or linear, completely fluorinated alkanes;
 - (b) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
 - (c) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
 - (d) sulfur containing perfluorocarbons with no saturations and with sulfur bonds only to carbon and fluorine.
- (2) For purposes of determining compliance with emission limits, VOC will be measured by the test methods in the approved SIP or 40 CFR Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Department.
- (3) As a precondition to excluding these compounds as VOC or at any time thereafter, the Department may require an owner or operator to provide monitoring or testing results demonstrating, to the satisfaction of the Department, the amount of negligibly-reactive compounds in the sources' emissions.

CHAPTER 3: PROTECTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS

Section 19.301 Purpose

The purpose of this chapter is to state the responsibilities of the Department and regulated sources in meeting and maintaining the NAAQS contained in 40 CFR Part 50. If any area of the state is determined to be in violation of the NAAQS, all applicable requirements contained in the Clean Air Act, as amended, and all regulations promulgated thereto shall be met by the Department.

Section 19.302 Department Responsibilities

The Department shall be responsible for taking the following precautions to prevent the NAAQS from being exceeded:

- (A) Ambient air monitoring in any area that can reasonably be expected to be in excess of the NAAQS.
- (B) Computer modeling of regulated air pollutant emissions for any area that can reasonably be expected to be in excess of the NAAQS, and review of the ambient air impacts of any new or modified source of federally regulated air emission that is the subject of the requirements of this Plan. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the NAAQS.

Section 19.303 Regulated Sources Responsibilities

Any source subject to the provisions of this Plan shall be responsible for taking the following precautions to prevent the NAAQS from being exceeded:

- (A) When required by law or this regulation, obtaining a permit from the Department prior to construction of a new source of federally regulated air pollutant emissions or prior to the modification of an existing source of air emissions.
- (B) Operating equipment in such a manner as to meet any applicable permit requirement or any applicable regulations.
- (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, as determined by computer modeling, the source is responsible for ceasing operations of the affected equipment until such time that it is repaired.

19.304 Delegated Federal Programs

Sources subject to this regulation shall 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 September 25, 1998. 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 September 25, 1998)

CHAPTER 4: MINOR SOURCE REVIEW

Section 19.401 General Applicability

No person shall cause or permit the operation, construction, or modification of a stationary source, whose actual emissions are:

- 40 tons per year or more of carbon monoxide;
- 25 tons per year or more of nitrogen oxides;
- 25 tons per year or more of sulfur dioxide;
- 25 tons per year or more of volatile organic compounds;
- 10 tons per year or more of PM₁₀;
- 0.5 tons per year or more of lead;
- 1.0 ton per year or more of any single hazardous air pollutant; or
- 3.0 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.

Section 19.402 Approval Criteria

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

Section 19.403 Owner/Operator's Responsibilities

Issuance of a permit by the Department does not affect the responsibility of the owner/operator to comply with applicable portions of this regulation.

Section 19.404 Required Information

(A) General

Application for a permit shall be made on such forms and contain such information as the Department may reasonably require, including but not limited to:

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

- (2) such information on the location, design, and operation of 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 determines that additional information is necessary to evaluate or take final action on that application, the Department may request such information in writing and set a reasonable deadline for a response.

(C) Duty to Correct Submittal

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

Section 19.405 Action on Application

(A) Technical Review

The Department will review the application submitted under this chapter in order to ensure to their reasonable satisfaction that:

- (1) the stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a national ambient air quality standard;
- (2) the stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the U.S. Environmental Protection Agency pursuant to §§111, 112, and 114 of the Clean Air Act as amended;
- (3) the stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this regulation;
- (4) the emission rate calculations are complete and accurate; and
- (5) if the facility wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process which 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 initially determines the requirements of §19.405(A) are met, they shall prepare a draft permit which:
 - (a) contains such conditions as are necessary to comply with this Regulation;
 - (b) addresses all recognized federally regulated air pollutant emissions and all federally regulated air pollutant emitting equipment at the stationary source except pollutants or equipment specifically exempt.
- (2) If the Department initially determines the requirements of this chapter are not met, they shall prepare a 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 §19.407, the public shall have an opportunity to comment on the Department's proposed permit decision in accordance with §19.406.
- (4) Within 90 days of receipt by the Department of an initial permit application, or an application for a major modification which contains such information as required by the Department (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. If the Department fails to take action of the application within the prescribed time frames, the aggrieved applicant may petition the Commission for relief from Department inaction. The Commission shall either grant or deny the petition within 45 days of its submittal.

(C) Final Action

The Department shall take final action on a permit application after the close of the public comment period. The Department shall notify in writing the owner/operator and any person that submitted a written comment, of the Department's final action and the Department's reasons for its final action.

Section 19.406 Public Participation

(A) General

No permit shall be issued, denied, or modified unless the public has first had an opportunity to comment on the information submitted by the owner/operator and the Department's analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality, including the Department's proposed approval or disapproval of the permit.

(B) Public Availability of Information

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

- (1) Availability for the public inspection in at least one location in the area where the source is located, or proposes to locate, and in the Department's central offices of the Department's draft decision, information submitted by the owner/operator, and any information developed by the Department in support of its draft permit decision;
- (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 United States Environmental Protection Agency;
 - (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;
 - (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) Public comments addressing the technical merits of the permit application and the Department'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.

Section 19.407 Permit Amendments

(A) Administrative Permit Amendments

- (1) An administrative permit amendment is a permit revision that:
 - (a) corrects a typographical error;
 - (b) identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change in the source;
 - (c) requires more frequent monitoring or reporting by the permittee;
 - (d) 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
 - (e) incorporates a change to the facilities' insignificant activities list.
- (2) The Department shall revise the permit as expeditiously as practicable and may incorporate such revisions without providing notice to the public.
- (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 shall remain freely transferable provided:
 - (a) the applicant for the transfer notifies the Director at least thirty (30) days in advance of the proposed transfer date on such forms as the Director may reasonably require, and
 - (b) submits a disclosure statement or other such documents as required.
 - (i) "Disclosure statement" means a written statement by the applicant which contains:
 - (aa) The full name, business address, and social security 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 relating to environmental regulation;
 - (dd) A listing and explanation of any 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 have 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;
 - (ff) Any other information 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. The following persons or entities are not required to file a disclosure statement:
- (aa) Governmental entities, consisting only of subdivisions or agencies of the federal government, agencies of the state government, counties, municipalities, or duly authorized regional solid waste authorities. This exemption shall not extend to improvement districts or any other subdivision of government which is not specifically instituted by an act of the General Assembly; and
 - (bb) Applicants for a general permit to be issued by the Department pursuant to its authority to implement the National Pollutant Discharge Elimination System for storm water discharge.
- (iii) Nothing in this sub-paragraph, including the exemptions in supporting paragraph (ii) of this sub-paragraph, shall be construed as a limitation upon the authority of the director to deny a permit based upon a history of noncompliance to any applicant or for other just cause.
- (iv) If the applicant is a publicly held company required to file periodic reports under the Securities 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, but shall submit the most recent annual and quarterly reports required by the Securities and Exchange which provide information regarding legal proceedings in which the applicant has been involved. The applicant shall submit such other information as the director may require that relates to the 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 finds, based upon the disclosure statement and other investigation which he deems appropriate, that:
- (A) The applicant has a history of noncompliance with the environmental laws or regulations of this state or any other jurisdiction;
 - (B) An applicant which owns or operates other facilities in the state is not in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, the environmental laws or regulations of this state; or
 - (C) A person with a history of noncompliance with environmental laws or regulations of this state 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 could have an impact upon the environment.
- (3) Public notice requirements shall not apply to changes in ownership.

(C) *De Minimis* Changes

- (1) A proposed change to a facility will be considered *De Minimis* if:
- (a) minimal judgment is required to establish the permit requirements for the change; and
 - (b) the change will result in a trivial environmental impact.
- (2) The environmental impact of a proposed change generally will be considered trivial if the potential emissions from the change alone, without taking into account any corresponding emission reductions, will:
- (a) be less than the following amounts:
 - (i) five (5) tons per year of carbon monoxide, nitrogen dioxide, PM₁₀, and sulfur dioxide;
 - (ii) twenty (20) tons per year of volatile organic compounds; and
 - (iii) one-half (0.5) a ton per year of lead;
 - (b) or, result in an air quality impact less than:

pollutant	De Minimis Concentration	Averaging time
carbon monoxide	500 $\mu\text{g}/\text{m}^3$	8-hour
nitrogen dioxide	10 $\mu\text{g}/\text{m}^3$	annual

pollutant	De Minimis Concentration	Averaging time
PM ₁₀	8 $\mu\text{g}/\text{m}^3$	24-hour
sulfur dioxide	18 $\mu\text{g}/\text{m}^3$	24-hour
lead	0.1 $\mu\text{g}/\text{m}^3$	3-month

- (3) The following changes will not be considered *De Minimis* changes:
- (a) any increase in the permitted emission rate at a stationary source without a corresponding physical change or change in the method of operation at the source;
 - (b) any change which would result in a violation Clean Air Act;
 - (c) any change seeking to change a case-by-case determination of an emission limitation established pursuant to BACT, §112(g), §112(i)(5), §112(j), or §111(d) of the Clean Air Act;
 - (d) a change that would result in a violation of any provision of this regulation;
 - (e) any change in a permit term, condition, or limit that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;
 - (f) any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or
 - (g) any proposed change which requires more than minimal judgment to determine eligibility.
- (4) A source may not submit multiple applications for *De Minimis* changes that are designed to conceal a larger modification that would not be considered a *De Minimis* change. The Department will require such multiple applications be processed as a permit modification with public notice and reconstruction requirements. Deliberate misrepresentation may be grounds for permit revocation.
- (5) The applicant may implement *De Minimis* changes immediately upon approval by the Department.
- (6) The Department shall revise the permit as expeditiously as practicable and may incorporate *De Minimis* changes without providing notice to the public. The applicant may implement *De Minimis* changes immediately upon approval by the Department.

Section 19.408 Exemption from Permitting

(A) Insignificant Activities

Stationary sources and activities listed in Appendix A of this regulation shall be considered to be insignificant and will not require a permit under this chapter or be included in a source's permit.

(B) Grandfathering

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

Section 19.409 Transition

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

Section 19.410 Permit Revocation and Cancellation

(A) Revocation

Any permit issued under this regulation 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 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 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 18 months or more.

Section 19.411 General Permits

(A) General Authority

The Department may, after notice and opportunity for public participation provided under this chapter, issue a general permit covering numerous similar sources. The criteria for the review and approval of permits under this chapter shall be used for general permits as well. Any general permit shall comply with all requirements applicable to other permits and shall identify criteria by which sources may qualify for the general permit. They shall also include enforceable emission limitations or other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this regulation. To sources that qualify, the Department shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit.

(B) Application

Sources that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for permit consistent with this chapter. The Department may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

- (1) When any application for the issuance of a new permit or a modification of an existing permit is filed with the Department, the Department shall cause notice of the application to be published in a newspaper of general circulation in the county in which the proposed facility is to be located.
- (2) The notice required by 19.411(B)(1) shall advise that any interested person may request a public hearing on the permit application by giving the Department a written request within ten (10) days of the publication of the notice.
- (3) Should a hearing be deemed necessary by the Department, or in the event the Department desires such a hearing, the Department shall schedule a public hearing and shall, by first class mail, notify the applicant and all persons who have submitted comments of the date, time, and place thereof.

Section 19.412 Dispersion Modeling

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

(A) General

All applications of air quality modeling involved in this chapter shall be based on the applicable models, data bases, and other requirements specified in appendix W of 40 CFR Part 51 (Guideline on Air Quality Models) as of August 12, 1996.

(B) Substitution

Where 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 or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific pollutant or type of stationary source. Written approval of the Administrator of the US EPA must be obtained for any modification or substitution.

Section 19.413 Confidentiality

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

- (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) Derives independent economic value (actual or potential) from 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) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
- (B)** In order to establish entitlement to confidentiality, the applicant must submit a sworn affidavit to the Department that is subject to public scrutiny which describes in a manner that does not reveal trade secrets, the processes or market conditions that supports the applicant’s confidentiality claim in the terms of 19.413(A)(1) and (2). This affidavit must also recite the following:

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

If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, it may submit an omnibus affidavit establishing the prerequisites of 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 determines whether the requirements of 19.413(B) are satisfied. The Department shall make such determination prior to the issuance of any permit or publication of any draft permit. In the event the Department does not make such 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 provides its written determination concerning the claim, the Department shall

not release such information before notifying the applicant of the request. The Department shall notify the applicant of the request and the Department's determination on the confidentiality claim at least two 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 copies of the application; one prominently marked as confidential and another that is subject to public review with confidential information excised. The Department will not accept applications that are deemed totally confidential except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.

CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT

Section 19.501 Purpose

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

Section 19.502 General Regulations

No person shall cause or permit the construction or modification of equipment which would cause or allow the following standards or limitations which are in effect as of the effective date of this regulation, to be exceeded:

- (A) Any National Ambient Air Quality Standard or ambient air increment (as listed in 40 CFR 52.21).
- (B) Any applicable emission limitation promulgated by the United States Environmental Protection Agency.
- (C) Any applicable emission limitation promulgated by the Department in this regulation.

Section 19.503 Visible emission regulations

- (A) No person shall cause or permit visible emissions (other than uncombined water vapor) from equipment identified hereinunder 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 will be 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 hereinunder 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 United States Environmental Protection Agency:

- (1) For incinerators and fuel burning equipment, exclusively, emissions shall not exceed 20% opacity except that emissions greater than 20% opacity but not exceeding 60% opacity will be 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.
 - (2) For equipment used in a manufacturing process, emissions shall not exceed 20%.
- (C) Opacity of visible emissions shall be determined using EPA Method 9 (40 CFR Part 60, Appendix A).

Section 19.504 Stack height/dispersion regulations

The stack height provisions of 40 CFR 51.118 are incorporated by reference. The definition of “stack,” “a stack in existence,” “dispersion technique,” “good engineering practice,” “nearby,” and “excessive concentration” contained in 40 CFR 51.100 (ff) through (kk) are incorporated into this chapter by reference.

Section 19.505 Revised emissions limitation

The emissions limitations contained within the Plan and applicable permits are for the purpose of assuring the attainment and maintenance of the National Ambient Air Quality Standards and have been established within the framework of information presently available to the Department. As additional and more precise information becomes available, the emission limitations and reporting procedures of this chapter may be amended as described below:

- (A) 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 limitations and reporting procedures of this chapter or any applicable permits may be further amended and made more restrictive where the Director finds more restrictive measures are necessary to assure maintenance of the NAAQS.
- (B) Less restrictive limitations. Any person subject to the emission limitations contained in this Plan 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 Director approve a less stringent limitation if it would cause a violation of the NAAQS. The Director shall not approve a less stringent limitation if it violates a federal emission standard or regulation, unless approved according to applicable federal regulations.

The Director shall take into account the following factors when making such determinations:

- (1) The process, fuels, and raw materials available and to be employed in the facility involved;
 - (2) The engineering aspects of the application of various types of control techniques which 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

Section 19.601 Upset conditions

For purposes of this paragraph, “upset condition” shall be defined as exceedences of applicable emission limitations lasting 30 or more minutes, in the aggregate, during a 24-hour period, unless otherwise specified in an applicable permit or regulation (such as NSPS regulations). All upset conditions, resulting in violation of an applicable permit or regulation, shall be reported to the Department. Any source exceeding an emission limit established by the Plan or applicable permit shall be deemed in violation of said Plan or permit and shall be subject to enforcement action. The Department may forego enforcement action for federally regulated air pollutant emissions given that the person responsible for the source of the excess emissions does the following:

- (A) Demonstrates to the satisfaction of the Department that the emissions resulted from:
 - (1) equipment malfunction or upset and are not the result of negligence or improper maintenance; or
 - (2) physical constraints on the ability of a source to comply with the emission standard, limitation or rate during startup or shutdown;

And that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions.

- (B) Reports such occurrence or upset or breakdown of equipment to the Department by the end of the next business day after the discovery of the occurrence.
- (C) Submits to the Department, at its request, a full report of such occurrence, including the identification of and location of the process and control equipment involved in the upset and including a statement of all known causes and the scheduling and nature of the actions to be taken to eliminate future occurrences or to minimize the amount by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.

Section 19.602 Emergency conditions

An “emergency” means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the source, including natural disasters, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include noncompliance 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 noncompliance with such technology-based limitations if the following conditions are met. The 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 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 by the end of the next business day after the emergency. This notice must 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

Section 19.701 Purpose

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

Section 19.702 Air Emissions Sampling

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

(A) **Sampling Ports**

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

(B) **Sampling**

To conduct federally regulated air pollutant emissions sampling, at the request of the Department, to determine the rate, opacity, composition, and/or contaminant 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. Sampling shall not be required for those 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.

(D) **Process Rates**

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

(E) Testing Time Frames

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

- (1) Equipment to be constructed or modified shall be tested within 60 days after achieving its maximum permitted production rate, but no later than 180 days after its initial start-up;
- (2) Equipment already operating shall be tested according to the time frames set forth by the Department.

The Department shall require that all applicable testing be performed using the methods described in 40 CFR Part 60, Appendix A. The Department, 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 tests shall be submitted to the Department within the time frames and on such forms as required by the Department and federal regulations. The owner or operator of the equipment shall retain the results of such tests for at least 5 years, and shall make the results available to any agents of the Department or the EPA during regular business hours.

Section 19.703 Continuous Emissions Monitoring

Any stationary source subject to this regulation shall, as required by federal law and upon request of the Department:

- (A) Install, calibrate, operate, and maintain equipment to continuously monitor or determine federally regulated air pollutant emissions in accordance with applicable performance specifications in 40 CFR Part 60 Appendix B, and quality assurance procedures in 40 CFR Part 60 Appendix F, and other methods and conditions that the Department, with the concurrence of the EPA, shall prescribe. Any source listed in a category in 40 CFR Part 51 Appendix P or in 40 CFR Part 60 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 at such intervals and on such forms as the Department shall prescribe, in accordance with 40 CFR Part 51, Appendix P, Section 4.0 (Minimum Data Requirements) and any other applicable reporting requirements promulgated by the EPA.

Section 19.704 Notice of Completion

For equipment for which a new permit or major permit modification is required, the Department shall be notified in writing within 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.

Section 19.705 Record Keeping and Reporting Requirements

Any stationary source subject to this regulation shall, upon request by the Department:

- (A) Maintain records on the nature and amounts of federally regulated air pollutants emitted to the air by the equipment in question. All records, including compliance status reports and excess emissions measurements shall be retained for at least five (5) years, and shall be made available to any agent of the Department or EPA during regular business hours.
- (B) Supply the following information, correlated in units of the applicable emissions limitations, to the Department:
 - (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) Information and data shall be submitted to the Department by a responsible official on such forms and at such time intervals as prescribed by applicable federal regulations or the Department. Reporting periods shall be a 12 month period.

Section 19.706 Public Availability of Emissions Data

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

CHAPTER 8: 111(d) DESIGNATED FACILITIES

Section 19.801 Purpose

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

Section 19.802

No person shall cause or permit emissions from equipment located at facilities described in this chapter to be exceeded. Future permit conditions may place more stringent emissions limitations on the equipment which shall supersede the limitations of this section.

Section 19.803 Sulfuric Acid Plants (H₂SO₄ Mist)

- (A) El Dorado Chemical Company (CSN 700040) of El Dorado shall not exceed the following emission limitation after November 1, 1980:
- (1) Sulfuric Acid Plant - 0.5 lb H₂SO₄ mist/ton 100% acid.
 - (2) [RESERVED]
- (B) Compliance testing shall be performed using EPA Method #8 (40 CFR Part 60 Appendix A) at intervals specified in the applicable permit.

Section 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 total reduced sulfur (TRS) emissions limitations are contained in Table 19.8.1.

- (1) International Paper Company (CSN 520013) of Camden.
- (2) International Paper Company (CSN 350016) of Pine Bluff.
- (3) Green Bay Packaging, Arkansas Kraft Division (CSN 150001) of Morrilton.
- (4) Gaylord Container Corporation (CSN 350017) of Pine Bluff.
- (5) Georgia-Pacific Corporation (CSN 020013) of Crossett.

- (6) Georgia-Pacific Corporation (CSN 41002) of Ashdown.
- (7) Potlatch Corporation (CSN 210036) of McGehee.

(B) Compliance Testing Requirements

All designated equipment in Table 19.8.1 shall have annual compliance testing of TRS emissions performed using EPA Method 16. Data reduction shall be performed as set forth in 40 CFR 60.8. Annual compliance testing will not be required for equipment with a continuous TRS emissions monitor.

(C) Continuous Monitoring Requirements

Any equipment located at the above designated facilities shall conduct TRS continuous monitoring in accordance with the requirements of 40 CFR 60.284 (date of installation not withstanding). The continuous monitoring systems shall be operated according to the provisions of 40 CFR 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			
CSN	Facility	Equipment	TRS Concentration
520013	IP Camden	recovery furnace	40 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
350016	IP Pine Bluff	recovery furnace	40 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
150001	Green Bay Packaging, Arkansas Kraft Division	recovery furnace	40 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
350017	Gaylord Container, Corp.	recovery furnace	100 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
020013	GP Crossett	recovery furnace	5 ppm
		lime kiln	8 ppm

Table 19.8.1 Kraft Pulp Mill TRS Emission Limits			
CSN	Facility	Equipment	TRS Concentration
		smelt dissolving tank	0.0168 g/kg
410002	GP Ashdown	recovery furnace	5 ppm
		lime kiln	8 ppm
		smelt dissolving tank	0.0168 g/kg
210036	Potlatch McGehee	recovery furnace	5 ppm
		lime kiln	20 ppm
		smelt dissolving tank	0.0168 g/kg

Recovery Furnaces - measured as H₂S on a dry basis and on a 12 hour average, corrected to 8% by volume oxygen.

Lime Kilns - measured as H₂S on a dry basis and on a 12 hour average, corrected to 10% volume oxygen.

Smelt Dissolving Tanks - measured as grams H₂S/kg black liquor solids on a 12 hour average.

Digesters and Evaporators - efficient incineration of non-condensable gases (at least 1200°F for at least 0.5 second).

CHAPTER 9: PREVENTION OF SIGNIFICANT DETERIORATION

Section 19.901 Title

The following rules and regulations of the Department of Pollution Control and Ecology of the State of Arkansas, adopted in accordance with the provisions of Part II of the Arkansas Water and Air Pollution Control Act at A.C.A §§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 the "PSD Regulations."

Section 19.902 Purposes

Promulgation and enforcement of these PSD Regulations is intended to further the purposes of the Plan and the Regulations of the Plan, including, but not limited to, acceptance of delegation by the U.S. Environmental Protection Agency of authority for enforcement of regulations governing the prevention of significant deterioration of air quality and regulations governing the protection of visibility in mandatory Class I federal areas.

Section 19.903 Definitions

- (A) "Advance notification" (of a permit application) means any written communication which establishes the applicant's intention to construct, and which provides the Department with sufficient information to determine that the proposed source may constitute a major new source or major modification, and that such source may affect any mandatory Class I federal area, including, but not limited to, submittal of a draft or partial permit application, a PSD monitoring plan, or a sufficiently detailed letter. "Advance notification" does not include general inquiries about the Department's regulations.
- (B) All other terms used herein shall have the same meaning as set forth in chapter 2 or in 40 CFR 52.21(b) [PSD] and 40 CFR 51.301 [Protection of Visibility], all as in effect upon the latest date of amendment of this supplement, unless manifestly inconsistent with the context in which they are used. Wherever there is a difference between the definitions in chapter 2 and those listed in 40 CFR 52.21(b) and 40 CFR 51.301, the federal definitions as listed in 40 CFR 52.21(b) and 40 CFR 51.301 shall apply.

Section 19.904 Adoption of Regulations

- (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) and (f) of this section, the Arkansas Department of Pollution Control and Ecology shall have those responsibilities and that

authority, with reference to the State of Arkansas, granted to the Administrator of the U.S. Environmental Protection Agency under 40 CFR 52.21(b) through (r), as in effect on June 3, 1994, which are hereby incorporated herein by reference, with the exception of 40 CFR 52.21(i)(12), which is not incorporated. 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 Regulations, and the applicable federal regulations, as incorporated herein by reference.

- (B)** Exclusions from the consumption of increments, as provided in 40 CFR 51.166(f)(1)(iii), shall be effective immediately. Submission of this Plan under the Governor's signature constitutes a request by the Governor for this exclusion.
- (C)** In addition to the requirements of 40 CFR 52.21(o), the following requirements [designated as subparagraphs (4), (5), (6), and (7)] shall also apply:

 - (4) Where air quality impact analyses required under this part 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 applying for such a permit shall submit to the Department an assessment of the following factors:

 - (i) Effects that the proposed consumption would have upon the industrial and economic development within the area of the proposed source; and
 - (ii) Alternatives to such consumption, including alternative siting of the proposed source or portions thereof.
 - (5) The assessment required under subparagraph (4) above shall be made part of the application for permit and shall be made available for public inspection as provided in 40 CFR 52.21(q).
 - (6) The assessment required under subparagraph (4) above shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of increment consumed and the area affected.
 - (7) The assessment required under subparagraph (4) above may be made effective where a proposed source would cause an increment consumption less than that specified in said subparagraph if the Director finds that unusual circumstances exist in the area of the proposed source which warrant such an assessment. The Director shall notify the applicant in writing of those circumstances which 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 aforesaid assessment.
- (D)** In addition to the requirements of 40 CFR 52.21(p)(1), the following requirements shall also apply:

Impacts on mandatory Class I federal areas include impacts on visibility. The preliminary determination that a 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 and the Federal Land Manager.

- (E) In all instances wherein the aforesaid 40 CFR 51.301 and 40 CFR 52.21 refer to the Administrator or the Environmental Protection Agency, the reference, for the purposes of paragraph (A) of §19.904, shall be deemed to mean the Department of Pollution Control and Ecology, unless the context plainly dictates otherwise, except in the following sections:
- (1) Exclusion from increment consumption: 40 CFR 52.21(f)(1)(v), (f)(3), and (f)(4)(I);
 - (2) Redesignation: 40 CFR 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6);
 - (3) Air quality models: 40 CFR 52.21(1)(2).
- (F) Redesignation of air quality areas in Arkansas shall comply with Act 237 of 1985 [Ark. Code 1987 § 8-3-101].

CHAPTER 10: REGULATIONS FOR THE CONTROL OF VOLATILE ORGANIC COMPOUNDS IN PULASKI COUNTY

Section 19.1001 Title

This chapter, adopted in accordance with the provisions of the Arkansas Water and Air Pollution Control Act [Ark. Code 1987 §§ 8-4-101 et seq.] and pursuant to the provisions of the federal Clean Air Act, shall be known as the Regulations for the Control of Volatile Organic Compounds.

Section 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 non-attainment areas by the United States Environmental Protection Agency 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.

Section 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 or, if not defined in chapter 2, as those terms defined in the federal Clean Air Act.

Unless manifestly inconsistent therewith, terms and phrases used herein shall have 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 United States Environmental Protection Agency.

"Cutback asphalt" means asphalt cement which has been liquefied by blending with petroleum solvents (diluent). 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 kPa (4 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" 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.

Section 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 §19.1005 hereof;
 - (b) Any source which is subject to the terms of a Commission order issued pursuant to paragraph 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 paragraph 19.1004(D)(1) and shall go into full force and effect on the effective date provided, however, that the provisions of paragraph 19.1004(D)(1) shall go into full force and effect on April 1, 1979. The effective date for subsections 19.1005(A)(B)&(C) is July 1, 1979 and for subsections 19.1005(D)&(E) is October 1, 1980. The effective date for subsection 19.1005(F) is April 1, 1981.

(B) Exemptions and Variances

- (1) [RESERVED.]
- (2) The requirements of §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 §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 §19.1005. In no event, however, shall the Commission issue variances from the requirements of §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 §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 Commission 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 Commission shall issue an order requiring the installation of such technology.
- (2) Any order issued pursuant to paragraph 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 Commission 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 Commission 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 §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 §19.1005. The compliance schedule shall be of such form and contain such information as the Commission may reasonably require. The applicable date for subsection 19.1005(A)(B)&(C) is October 1, 1979. The applicable date for subsections 19.1005(D)&(E) is January 1, 1981. The applicable date for subsection 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 §19.1005 after the approval date if a compliance schedule of such source under Subsection (a) above has been disapproved by the Commission. No compliance schedule for any source shall be approved by the Commission unless the Commission 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

§19.1005 prior to the final compliance date. Extensions beyond the final compliance date may be granted by the Commission provided the Commission 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 subsections 19.1005(A)(B)&(C) is February 1, 1981 and for subsections 19.1005(D)(E)&(F) is February 1, 1982. The final compliance date for subsections 19.1005(A)(B)&(C) is June 1, 1981, for subsection 19.1005(D) is March 1, 1982, and for subsections 19.1005(E)&(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 Commission or which violates the terms of a Commission order issued pursuant to the provisions of paragraph 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 Commission. Application for permit shall be of such form and contain such information as the Commission 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 Commission 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 Commission 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 §19.1005 apply unless the Commission 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 Commission Order has been issued pursuant to paragraph 19.1004(D)(1), unless the Commission 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 §19.1005 or, where §19.1005 is not applicable, is designed and operated in accordance with the provisions of a Commission 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 subsection 19.1005(D), the following method and procedures should be followed:
 - (a) The owner or operator shall, at his own expense demonstrate compliance with subsection 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 subsection 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 subsection 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 subsection 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 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 paragraph 19.1005(F)(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 paragraph (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.]

Section 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 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 (a) above, 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 (1)(b)&(c) of this subsection 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 C (59°F).

(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 paragraph 19.10004(F)(3);
 - (b) sustains a pressure change of no more than 750 pascals (3 in. of H₂O) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 in. of H₂O) or evacuated to a gauge pressure of 1,500 pascals (6 in. of H₂O) during the testing required in subparagraph (1)(a) of this chapter; and
 - (c) is repaired by the owner or operator and retested within 15 days of testing if it does not meet the criteria of 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 H₂O) and vacuum from exceeding 1,500 pascals (6 in. of H₂O) 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 paragraph 19.10004(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 paragraph (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 paragraph 19.10004(F)(3) to confirm continuing compliance with paragraphs (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/l (4.3 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; and

- (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.
 - (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 paragraph (1) applies to a specific coating, then the most stringent emission limitation shall be applied.
- (3) The emission limits set forth in paragraph (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 volatile organic compounds (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 paragraph (3)(b)&(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 equivalent 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 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.

Section 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 Regulations 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 SOURCE PERMITTING PROCEDURES

Facilities subject to Regulation 26 shall be required to have their permit applications processed in accordance with the procedures contained in the Regulations of the Arkansas Operating Air Permit program, Regulation 26, which are hereby incorporated by reference.

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, the Department exempts certain sources or types of sources from the requirements to obtain a permit or plan under this regulation. Listing in this part has no effect on any other law to which the activity may be subject. Any activity for which a state or federal applicable requirement applies (such as NSPS, NESHAP, or MACT) is not insignificant, even if this activity meets the criteria below.

Group A

The following emission units, operations, or activities must either be listed as insignificant or included in the permit application as sources to be permitted. The listing of insignificant sources does not necessarily mean that the emissions from these sources must be quantified.

1. Fuel burning equipment with a design rate less than 10 million BTU per hour, provided that the aggregate pollutant specific emissions from all such units listed as insignificant do not exceed 5 tons per year (tpy) of any combination of HAPs and 10 tpy of any other pollutant.
2. Storage tanks less than or equal to 250 gallons storing organic liquids having a true vapor pressure less than or equal to 3.5 psia, provided that the aggregate pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed 5 tpy of any combination of HAPs and 10 tpy of any other pollutant.
3. Storage tanks less than or equal to 10,000 gallons storing organic liquids having a true vapor pressure less than or equal to 0.5 psia, provided that the aggregate pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed 5 tpy of any combination of HAPs and 10 tpy of any other pollutant.
4. Caustic storage tanks that contain no VOCs.
5. Emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes provided that the aggregate pollutant specific emissions from all such equipment/vents considered insignificant do not exceed 5 tpy of any combination of HAPs and 10 tpy of any other pollutant.
6. Non commercial water washing operations of empty drums less than or equal to 55 gallons with less than three percent 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 in excess of 0.1 tpy.

8. Containers of less than or equal to 5 gallons in capacity that do not emit any detectable VOCs or HAPs when closed. This includes filling, blending, or mixing of the contents of such containers by a retailer.
9. Equipment used for surface coating, painting, dipping, or spraying operations, provided the material used contains no more than 0.4 lb/gal VOCs, no hexavalent chromium, and no more than 0.1 tpy of all other HAPs.
10. Non-production equipment approved by the Department, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than 10 tpy of any pollutant regulated under this regulation or less than 2 tpy of a single HAP or 5 tpy of any combination of HAPs.¹
11. Operation of groundwater remediation wells, including emissions from the pumps and collection activities provided that the emissions are less than 10 tpy of any pollutant regulated under this regulation or less than 2 tpy of a single HAP or 5 tpy of any combination of HAPs. This does not include emissions from air-stripping or storage.
12. Emergency use generators, boilers, or other fuel burning equipment that is of equal or smaller capacity than the primary operating unit, cannot be used in conjunction with the primary operating unit, and does not emit or have the potential to emit regulated air pollutants in excess of the primary operating unit and not operated more than 90 days a year.
13. Other activities for which the facility demonstrates that no enforceable permit conditions are necessary to insure compliance with any applicable law or regulation provided that the emissions are less than 5 tpy of any pollutant regulated under this regulation or less than 1 tpy of a single HAP or 2.5 tpy of any combination of HAPs.

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.

Group B

The following emission units, operations, or activities need not be included in a permit application:

1. Combustion emissions from propulsion of mobile sources and emissions from refueling these 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 Act.
3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.
4. Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.
5. Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction.
6. Janitorial services and consumer use of janitorial products.
7. Internal combustion engines used for landscaping purposes.
8. Laundry activities, except for dry-cleaning and steam boilers.
9. Bathroom/toilet emissions.
10. Emergency (backup) electrical generators at residential locations.
11. Tobacco smoking rooms and areas.
12. Blacksmith forges.
13. Maintenance of grounds or buildings, including: lawn care, weed control, pest control, and water washing activities.
14. Repair, up-keep, maintenance, or construction activities not related to the sources' primary business activity, and not otherwise triggering a permit modification. This may include, 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

15. Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility 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
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.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 or HAPs.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 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.

² Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must get a permit.

³ “Moved by hand” means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

⁴ Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP 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 metals are treated as trivial and listed separately in this appendix.

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.

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 in the adhesive.
29. Lasers used only on metals and other materials which do not emit HAPs 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 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 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, 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 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 organic solvents, diluents, or thinners are used.
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 IC engines or grain elevators.
76. The following natural gas and oil exploration production site equipment: separators, dehydration units, natural gas fired compressors, and pumping units. This does not include compressors located on natural gas transmission pipelines.