

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 18, ARKANSAS AIR)
POLLUTION CONTROL CODE)

DOCKET NO. 08-007-R

RESPONSIVE SUMMARY FOR
FOR REGULATION NO. 18, ARKANSAS AIR POLLUTION CONTROL CODE

Pursuant to A.C.A. § 8-4-202(d)(4)(C) and Regulation No. 8, Section 3.6.2(2), a responsive summary groups public comments into similar categories and explains why the Arkansas Pollution Control and Ecology Commission (“Commission”) accepts or rejects the rationale for each category or comment.

Comment 1 – Commenters provided positive comments regarding the proposed changes to permitting thresholds. Commenters also expressed positive sentiments that these changes will result in Arkansas being more competitive in attracting new industries and will allow existing industries to better respond to changing market conditions.

Response 1 – Arkansas Department of Environmental Quality (ADEQ or the Department) staff appreciate and acknowledge these supportive comments.

Comment 2 – The Commenter states that “...a source that is operating at less than the registration threshold should not be subject to the full regulatory enforcement scheme if emissions increase slightly exceed the registration threshold but do not exceed the permitting threshold. A registration source should not be subject to the type of enforcement that is typical for operation without a permit. For a registration source, the source should be required to register, pay any back fees due, and continue to operate.” The commenter also provided suggested regulatory language to accomplish the change.

Response 2 – Failure to register would be considered to be a violation of APC&EC Regulation 18, Arkansas Air Pollution Control Code. However, the circumstances and factual situations may vary greatly between cases, as such, we feel that any potential enforcement response (ranging from an informal warning letter to formal enforcement) should be evaluated on a case by case basis. We do not agree that the Department should depart from the long standing practice of like situations and predetermine the enforcement response in regulatory language. No changes were made to the final rule in response to this comment.

Comment 3 – The commenter asked if there should be a registration requirement in Regulation 18 for facilities with particulate matter emissions between 15 and 25 tons per year. The commenter pointed out that this would be consistent with the intent of the

registration requirements of Regulation 19 that registers all facilities that fall between the old and new permit thresholds.

Response 3 – ADEQ agrees with this comment and will add “15 tons per year or more but less than 25 tons per year of particulate matter;” as Reg. 18.315(A)(5), and shifting the proposed Reg. 18.315(A)(5) through Reg. 18.315(A)(7), down in the numbering scheme accordingly.

Comment 4 – **Commenter would like Subpart HHHHHH–National Emissions Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources in Reg. 18.301(B)(3).**

Response 4 –The intent of the exclusion to the Special Applicability for permitting [APC&EC Regulation 18.301(B)] is to reduce the burden to small area sources that are otherwise required to obtain a permit (regardless of emission levels) due to the applicability of certain federal emission control standards. Upon consideration of the comment, we feel that the sources regulated by 40 CFR Part 63, Subpart HHHHHH fit within the intent of the proposed revision. This comment is accepted. The change will appear in Reg. 18.301(B)(3) as “(k) 40 CFR Part 63, Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources).” In addition, “and” will be removed from the end of Reg. 18.301(B)(3)(i). In Reg. 18.301(B)(3)(j), the period will be removed from the end of the sentence and replaced with “; and” to allow for proper grammar.

Comment 5 – **“Reg. 18.801 is not consistent with the definition of air pollution. Specifically, it includes water vapor and odors.”**

Response 5 – The Department appreciates the comment; however, it is outside the scope of the proposed rulemaking. The definition of air pollution is not inconsistent with Reg. 18.801. Consequently, no changes are made based on this comment.

Comment 6 – **Delete “Administrator” and “EPA” from Reg. 18.313.**

Response 6 – These terms are not found in Reg. 18.313 of the proposed changes to Regulation 18.

Comment 7 – **“There needs to be a total allowable emissions from Insignificant Activities. A13 has to at least say that the limits apply to all A13 activities combined. Also Insignificant Activity emissions needs to be listed in the permit, not necessarily in specific conditions but at least as emissions that counted toward fees and applicability as Title V thresholds.”**

Response 7 – ADEQ thanks the commenter for these comments; however, this section and language were not proposed for change in this rulemaking and therefore is beyond the scope of this rulemaking. We will consider adding clarifying language such as is included at Reg. No. 19 Appendix A.13 (that addresses the exact same circumstance) in future rulemaking. ADEQ will continue to interpret Appendix A of Reg. No. 18 in concert with like provisions contained in Appendix A of Regulation 19. Additionally, we note that emissions from insignificant

activities should not be counted when calculating permit fees but emissions from Group A activities should be used when making applicability determinations. No change is made to the final rule based on this comment.

Comment 8 – “General Permits in 18.310 – only the general permit and not the individual applications (NOI’s) should be subject to notice.”

Response 8 – The Department appreciates the comment; however, it is outside the scope of the proposed rulemaking. The Department may consider this issue for subsequent rule revisions. Consequently, no change was made based on this comment.

Comment 9 – Sections similar to the proposed Reg. 19.416 should be included in Regulation 18.

Response 9 – A similar section was proposed in this rulemaking as Reg. 18.314.

Comment 10 – The Commenter regards the registration requirements in Reg. 18.315 as “unnecessarily burdensome” on sources that would have to comply with these requirements. The commenter also stated that “The registration process interjects another pre-construction requirement that seems counterproductive to the purpose of increasing the permitting thresholds.” The commenter would like the pre-construction requirement of Reg. 18.315 to be eliminated and provided replacement language for Reg. 18.315(A) to achieve this.

Response 10 – The new registration provision is a “pre-construction” provision. However, we do not agree that this requirement is unnecessarily or overly burdensome. The submission of the registration is the only requisite (no agency action on the submittal is required) for a facility. ADEQ believes that registration is much less burdensome on affected facilities than the permitting process while allowing the Department to account for emissions from facilities that were previously subjected to the full permitting process. The registration provision replaces other existing pre-construction and permitting requirements that the facility would have to complete without the accompanying changes to the permitting thresholds and also enables the Department to have a more accurate account of emissions that occur in the state. This in turn, allows the Department to fulfill its mission of protecting the state’s environment, including the air quality while lessening the overall burden on facilities with lower emissions.

Comment 11 – The commenter states that the Department has “neglected to include the requirements of Regulation 8 for disclosure statements”, that submitting the disclosure statement would provide an additional burden and that the commenter would like to see Regulation 18.315 (the section addressing registration) “removed in its entirety from the proposed regulation.”

Response 11 – ADEQ does feel that the registration provision constitutes the type of “operational authority” that would trigger the necessity of the disclosure requirements of APC&EC Regulation 8.2.1.18. Consequently, no change was made based on this comment.

Comment 12 – The commenter presented a scenario for which the commenter believes the Reg. 18.315(A) is unclear on how to proceed. The scenario is that a facility (presumably one that has previously registered) makes a modification that increases emissions to a higher level, but still in between the proposed registration and permitting thresholds. The commenter believes it is not clear if another registration is required and also asks “are modifications that do not result in an emissions increase required to be registered?” Also, “the term ‘modification’ is not defined in Regulation 18.”

Response 12 – ADEQ agrees “modification” is not defined in Regulation 18. In response to this comment we will add the following language at the end of Reg. 18.315(A) for clarification purposes:

“(For the purpose of Reg. 18.315(A) “modification” shall mean any physical change in or change in the method of operation of a stationary source which increases the emission rates of any air pollutant, specified above, previously registered with the Department or results in the emission of an air pollutant not previously emitted and registered with the Department.)”

Comment 13 – All references to outside regulations, laws and other texts should include an effective date of the referenced text at the time the affected portion of the regulation was effective. This excludes references to Arkansas Code or other Arkansas Pollution Control and Ecology Commission regulations.

Response 13 – ADEQ agrees. Following is a listing of affected sections and associated dates that have been added. The dates that will be added are the dates that that portion of the regulation was effective. Only references to Code of Federal Regulations and Clean Air Act citations are listed below. ADEQ feels there is no need to provide dates for references to Arkansas law or other Arkansas regulations.

Chapter 2 definition of Responsible Official (D)(1) – “...under Title IV of the Act as of July 1, 1997,...”

Chapter 2 definition of Title I Modification – “...federal Clean Air Act as of July 2, 2008.”

Reg. 18.305(A)(2) – “...as amended by February 15, 1999;”

Reg. 18.307(C)(3)(c) – “...Clean Air Act as amended by February 15, 1999;”

Reg. 18.313(A) – “...Title I of the Act as amended by July 2, 2008;”

Reg. 18.501(B) – “...Part 60, Appendix A as of July 1, 1997).”

Reg. 18.1003(A) – “...Appendix F as of July 1, 1997,...”

Reg. 18.1003(B) – “Data Requirements) as of July 1, 1997,...”

Comment 14 – Format numbers in accordance with the Regulation Formatting and Drafting Guidelines. (Example: There are twelve (12) months in a year.) Numbers that refer to other regulations, laws or dates, etc., do not need to be changed. These changes should include where noted in the following comments.

Response 14 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this or similar comments. In a future rulemaking, the numbers may be formatted in a consistent manner.

Comment 15 – Reg. 18.101 – State what A.C.A. stands for here or in Chapter 2.

Response 15 – ADEQ agrees. A.C.A stands for Arkansas Code Annotated. Reg.18.101 will be revised to read “...(Arkansas Code Annotated [A.C.A] §§ 8-4-101 et seq.)...”.

Comment 16 – Reg. 18.102 – Remove the bold from the font in the (A)-(D) outline letters.

Response 16 – ADEQ agrees. This formatting is different from other Air regulations and the change will be made.

Comment 17 – Reg. 18.102(A) – Add “the” between “of” and “air” in “...Intent and Purpose of air pollution control...”

Response 17 – ADEQ agrees that this language is not clear. Instead of adding “the” we propose changing “regulation” to “regulations” in this subsection to provide for clarity. The affected phrase will now read “...‘Intent and Purpose’ of air pollution control regulations...”

Comment 18 – Reg. 18.102(B) – Give the full names of Regulations 19 and 26.

Response 18 – For clarity, Reg. 18.102(B) will now read “By Authority of the same State law, the Commission has also adopted Regulation 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control (Regulation 19) and Regulation 26, Regulations of the Arkansas Operating Air Permit Program (Regulation 26),...”

Comment 19 – Reg. 18.103 – Capitalize chapter.

Response 19 – ADEQ agrees with this comment and the change will be made.

Comment 20 – Reg. 18.103 – Clarify which regulation’s chapter 2 is being referred to.

Response 20 – ADEQ agrees with this comment and will add “...of Regulation 18.” to the end of the section for clarity.

Comment 21 – Regulation 18, Chapter 2 – In the definition of “Conditions of air pollution”, to clarify what “their” means, replace “their” with “them from”.

Response 21 – ADEQ agrees with this comment and the change will be made.

Comment 22 –Chapter 2 – In the definition of “Conditions of episodic air pollution”, spell out all numbers and place the numeric in parentheses.

Response 22 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 23 – Chapter 2 – In the definition of “Conditions of episodic air pollution”, move the “3” in “m3” to be superscript.

Response 23 – ADEQ agrees with this comment and the change will be made four times in this definition.

Comment 24 – Chapter 2 – In the definition of “Fugitive emissions”, change “mean” to “means”.

Response 24 – ADEQ agrees with this comment and the change will be made.

Comment 25 – Chapter 2 – In the definition of “Hazardous air pollutant”, add “or ‘HAP’” after “Hazardous air pollutant.”

Response 25 – ADEQ agrees with this comment and the change will be made.

Comment 26 – Chapter 2 – Add a definition of “owner” similar to the one found in Regulation 19.

Response 26 – ADEQ agrees with this comment and the change will be made using the same definition found in Regulation 19.

Comment 27 – Chapter 2 – Add a definition of “operator” similar to the one found in Regulation 19.

Response 27 – ADEQ agrees with this comment and the change will be made using the same definition found in Regulation 19.

Comment 28 – Chapter 2 – In the definition of “National Ambient Air Quality Standards”, change “mean” to “means”.

Response 28 – ADEQ agrees with this comment and the change will be made.

Comment 29 – Chapter 2 – In the definition of “Particulate Matter”, add “or ‘PM’”.

Response 29 – ADEQ agrees with this comment and the change will be made.

Comment 30 – Chapter 2 – In the definition of “Responsible official”, remove the bold from the font in the (A) - (D) outline letters.

Response 30 – ADEQ agrees with this comment and the change will be made.

Comment 31 – Chapter 2 – In the definition of “Responsible official” (A), start the numbering with (1).

Response 31 – ADEQ agrees with this comment and the change will be made.

Comment 32 – Chapter 2 – In the definition of “Responsible official” (A)(4), spell out all numbers and place the numeric in parentheses except those that refer to dates.

Response 32 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 33 – Chapter 2 – In the definition of “Responsible official” (A)(4) add “the” between “in” and “second”.

Response 33 – The text is correct as it is. No change will be made based on this comment.

Comment 34 – Chapter 2 – In the definition of “Responsible official” (A)(4) – Clarify that dollars means United States dollars.

Response 34 – ADEQ agrees with this comment and the change will be made.

Comment 35 – Chapter 2 – In the definition of “Responsible official” (D), “Act” needs to be defined here or with an added definition similar to definitions of the federal Clean Air Act” as found in other Arkansas Air Regulations.

Response 35 – ADEQ agrees with this comment and the definition of “Federal Clean Air Act” will be added as it is found in Regulation 19, except that “or ‘the Act’” will be added.

Comment 36 – Chapter 2 – In the definition of “Responsible official” (D)(1)(a) Clarify that Part 70 means Part 70 of the Act.

Response 36 – Part 70 refers to 40 CFR Part 70, not the Clean Air Act. No change will be made resulting from this comment.

Comment 37 – Chapter 2 – In the definition of “Title I modification”, give the full name of Regulation 19.

Response 37 – ADEQ agrees with this comment and it was addressed in comment 18 above. No change will be made based on this comment.

Comment 38 – Chapter 2 – In the definition of “Trade Waste”, Trade Waste should be in quotes to be consistent with other definitions in this regulation.

Response 38 – ADEQ agrees with this comment and the change will be made.

Comment 39 – Chapter 2 – In the definition of “Total suspended particulate”, “CFR” needs to be defined here or with a definition of its own.

Response 39 – ADEQ agrees with this comment and “CFR” will be explained in this definition as Code of Federal Regulations.

Comment 40 – Reg. 18.301(A) – Spell out all numbers and place the numeric in parentheses.

Response 40 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 41 – Reg. 18.301(A) – PM₁₀ is not defined. Define it here or in the Chapter 2.

Response 41 – ADEQ agrees with this comment. PM₁₀ will be defined in Chapter 2 of Regulation 18 as follows. “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 as modified February 12, 1998, or by an equivalent method designated in accordance with 40 CFR Part 53.” This is the same definition found in Regulation 19.

Comment 42 – Reg. 18.301(B)(3) – Capitalize part.

Response 42 – ADEQ agrees with this comment and the change will be made.

Comment 43 – Reg. 18.301(B)(3)(a) – Capitalize part.

Response 43 – ADEQ agrees with this comment and the change will be made.

Comment 44 – Reg. 18.301(B)(3)(b) – Capitalize part.

Response 44 – ADEQ agrees with this comment and the change will be made.

Comment 45 – Reg. 18.301(B)(3)(i) – Spell out all numbers and place the numeric in parentheses except those that refer to a rule or regulation.

Response 45 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 46 – Reg. 18.302, Reg. 18.303, Reg. 18.304(C), Reg. 18.306(A), Reg. 18.306(B)(1), Reg. 18.306(B)(3), Reg. 18.306(B)(4), Reg. 18.306(B)(6), Reg. 18.314(E), Reg. 18.315(C), and Appendix A, Group B Footnote #2 – Change “owner/operator” to “owner or operator”.

Response 46 – The “/” is intended to indicate an alternative. Therefore, ADEQ is of the opinion that the request revision is unnecessary.

Comment 47 – Reg. 18.305(A)(1) through (7) – Capitalize the first letter of each item in the list.

Response 47 – Reg. 18.305(A)(1) through (7) is actually one sentence. As such, the beginning words of each numbered subsection do not need to be capitalized. No change will be made based on this comment.

Comment 48 – Reg. 18.305(A)(1) – Capitalize each word of “national ambient air quality standard”.

Response 48 – ADEQ agrees with this comment and the change will be made.

Comment 49 – Reg. 18.306(B)(2) – Spell out all numbers and place the numeric in parentheses.

Response 49 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 50 – Reg. 18.306(B)(4) and (6) – Switch places and numbering to ensure proper grammar. Check to make sure any references to these subsections are referenced. None were found. Reg. 18.306(B)(4)(a) – Delete the semicolon. Reg. 18.306(B)(4)(a) and (b) – For consistency, delete “equipment” and replace it with “stationary source” in Reg. 18.306(B)(4)(a) and (b). Reg. 18.306(B)(5) – Delete the period and replace it with a semicolon and “and”. Reg. 18.306(B)(6) – Delete the period and add a semicolon if it is switched with Reg. 18.306(B)(4).

Response 50 – ADEQ agrees that Reg. 18.306(B) is not clear and will change the section as follows:

(B) Public Availability of Information

- (1) For purposes of this section, opportunity to comment shall include, at a minimum:
 - (a) 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;
 - (b) 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);
 - (c) 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;
 - (d) A copy of the notice, required pursuant to this subsection, shall be sent to the owner/operator and to the:

- (i) mayor of the community where the stationary source is proposed to be constructed or modified;
 - (ii) county judge of the county where the stationary source is proposed to be constructed or modified; and
- (e) 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 making its final decision.
- (2) 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.

Comment 51 – Reg. 18.307(A)(1)(b) – Add e-mail address to the list of information that can be changed as part of an administrative permit amendment. This may result in changes to the permitting forms.

Response 51 – ADEQ agrees that the change (or addition) of an e-mail address would qualify as an Administrative Permit Amendment; however, no change in the regulatory wording is necessary due to the existing phrase “or provides a similar administrative change in the source.” Therefore, no changes are made to the final regulation based on this comment.

Comment 52 – Reg. 18.307(A)(1)(b) – Delete the last “in” and replace it with “at”.

Response 52 – ADEQ agrees with this comment and the change will be made.

Comment 53 – Reg. 18.307(A)(1)(e) – Change “facilities” to “facility’s”.

Response 53 – ADEQ agrees with this comment and the change will be made.

Comment 54 – Reg. 18.307(B)(2) – Add “or she” after both instances of “he”.

Response 54 – ADEQ agrees with this comment and the change will be made.

Comment 55 – Reg. 18.307(B)(2)(c) – Delete the (A) at the beginning.

Response 55 – ADEQ agrees with this comment and the change will be made.

Comment 56 – Reg. 18.307(C)(2)(b) – Delete the period and replace it with a semicolon; delete “and” and replace it with “or” and delete the “or”.

Response 56 – In response to this comment, ADEQ has reviewed the context of the existing rule (pre-proposed changes and the changes that were proposed). The language that was included with the proposed addition of 18.307(C)(2)(a)(v) creates confusion and uncertainty as to the applicability criteria for determination of permit modifications as *De Minimis changes*. In order to clarify the applicability, 18.307(C)(2) will be revised to add “either” between “will”

and the “.”; additionally, “and” will be deleted from (C)(2)(a)(v) and inserted at the end of (C)(2)(a)(iv).

Comment 57 – Reg. 18.307(C)(2)(b) – Capitalize “pollutant” and “time”.

Response 57 – ADEQ agrees with this comment and the change will be made.

Comment 58 Reg. 18.307(C)(2)(b) – Change PM₁₀ to PM₁₀.

Response 58 – ADEQ agrees with this comment and the change will be made.

Comment 59 – Reg. 18.307(C)(3)(b) – Add “of the” before “Clean”.

Response 59 – ADEQ agrees with this comment and the change will be made.

Comment 60 – Reg. 18.307(C)(3)(b) – “Clean Air Act” is not defined. Define it here or add a definition.

Response 60 – ADEQ agrees with this comment and the change will be made as mentioned in comment 35 above.

Comment 61 – Reg. 18.307(C)(3)(c) – “BACT” is not defined. Define it here or add a definition.

Response 61 – ADEQ agrees with this comment and the change will be made according to the following language “... pursuant to Best Available Control Technology (BACT)...”

Comment 62 – Reg. 18.307(C)(4) – Add a space between “requirements.” and “Deliberate”.

Response 62 – ADEQ agrees with this comment and the change will be made.

Comment 63 – Reg. 18.307(C)(6) – Delete “The applicant may implement De Minimis changes immediately upon approval by the Department.” This sentence is already found in Reg. 18.307(C)(5).

Response 63 – ADEQ agrees with this comment and the change will be made.

Comment 64 – Reg. 18.308(A),(B),(C) and (D) – Bold the title of each of these subsections for consistency.

Response 64 – ADEQ agrees with this comment and the change will be made.

Comment 65 – Reg. 18.309(A) and (B) – Bold the title of each of these subsections for consistency.

Response 65 – ADEQ agrees with this comment and the change will be made.

Comment 66 – Reg. 18.309(B) – Spell out all numbers and place the numeric in parentheses.

Response 66 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 67 – Reg. 18.310(A) and (B) – Bold the title of each of these subsections for consistency.

Response 67 – ADEQ agrees with this comment and the change will be made.

Comment 68 – Reg. 18.310(B) – Add “a” between “for” and “permit”.

Response 68 – ADEQ agrees with this comment and the change will be made.

Comment 69 – Reg. 18.311 – Replace “which” in “which were not previously” to “and”.

Response 69 – ADEQ agrees with this comment and the change will be made.

Comment 70 – Reg. 18.311 – Spell out all numbers and place the numeric in parentheses.

Response 70 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 71 – Reg. 18.313(A) through (D) – Outline lettering should not be bold.

Response 71 – ADEQ agrees with this comment and the change will be made.

Comment 72 – Reg. 18.313 after the subsection lettering – Spell out all numbers and place the numeric in parentheses.

Response 72 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 73 – Reg. 18.313 after the subsection lettering – Add “the” before “Department” in the last two instances of “Department”.

Response 73 – ADEQ agrees with this comment and the change will be made.

Comment 74 – Reg. 18.314 – The outline lettering should start with (A) not (E).

Response 74 – ADEQ agrees with this comment and the change will be made.

Comment 75 – Reg. 18.314(E)(4)(5)(6) and (7) – Outline numbering should start with (1).

Response 75 – ADEQ agrees with this comment and the change will be made.

Comment 76 – Reg. 18.314(E)(4)(6) and (7), Reg. 18.314(F), Reg. 18.314(F)(8), Reg. 18.314(F)(14), Reg. 18.314(G), Reg. 18.314(G)(15), Reg. 18.314(G)(18), – Delete “owner and/or operator” and replace with “owner or operator”.

Response 76 – ADEQ agrees that clarification is needed as to the applicability of this new provision. To clarify the applicability the phrase “owner and/or operator” throughout Reg. 18.314 will be deleted and replaced with “permittee”.

Comment 77 – Reg. 18.314(E)(4) – Spell out all numbers and place the numeric in parentheses.

Response 77 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 78 – Reg. 18.314(E)(4) through (7) – Begin each subsection with a lowercase letter.

Response 78 – ADEQ agrees with this comment and the change will be made.

Comment 79 – Reg. 18.314(F) – The outline should start with (1), not (8).

Response 79 – ADEQ agrees with this comment and the change will be made.

Comment 80 – Reg. 18.314(F)(8) – Spell out all numbers and place the numeric in parentheses.

Response 80 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 81 – Reg. 18.314(F)(12) – Change “emission” to “emissions”.

Response 81 – ADEQ agrees with this comment and the change will be made.

Comment 82 – Reg. 18.314(F)(13) – Spell out all numbers and place the numeric in parentheses.

Response 82 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 83 – Reg. 18.314(G) – The outline should start with (1), not (15).

Response 83 – ADEQ agrees with this comment and the change will be made.

Comment 84 – Reg. 18.314(G)(15) through (18) – Each subsection should start with a letter.

Response 84 – ADEQ agrees that the formatting is not consistent in this regard throughout Regulation 18. We did not receive comments on each section where this occurs or a blanket statement that would cover all of the inconsistencies, therefore we do not have the necessary comments to ensure consistency throughout Regulation 18. Furthermore, this change would not affect the clarity or intent of the regulation. We will consider correcting this in a future rulemaking.

Comment 85 – Reg. 18.314(G)(15) – Spell out all numbers and place the numeric in parentheses.

Response 85 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 86 – Reg. 18.315(A) though (G) – Remove bold formatting of outline lettering.

Response 86 – ADEQ agrees with this comment and the change will be made.

Comment 87 – Reg. 18.315(A)(1) though (7) – Spell out all numbers and place the numeric in parentheses.

Response 87 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 88 – Reg. 18.315(B)(1) through (3) – Each subsection should start with a lowercase letter.

Response 88 – ADEQ agrees with this comment and the change will be made.

Comment 89 – Reg. 18.315(B)(2) and (3) – Change “emission” to “emissions”.

Response 89 – ADEQ agrees with this comment and the change will be made.

Comment 90 – Reg. 18.315(E) – Spell out all numbers and place the numeric in parentheses except when the numbers are used to reference a regulation.

Response 90 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 91 – Reg. 18.315(E) – Capitalize chapter.

Response 91 – ADEQ agrees with this comment and the change will be made.

Comment 92 – Reg. 18.315(E) – Give the full name of Regulation 9.

Response 92 – ADEQ agrees with this comment and the change will be made. The introduction of Reg. 18.315(E) will read as follows: “...requirements of Chapter 3 of the Arkansas Pollution Control and Ecology Commission’s Regulation 9, Permit Fee (Regulation 9) shall apply to...”

Cross reference citations in Reg. 18.315(F) were corrected from “Sources currently holding permits but whose emissions are below the permitting thresholds in Reg. 18.302, and above the registration threshold under Reg. 18.301 may elect to continue to operate under their existing permit or they may submit a registration and request their permit be voided. The permit shall remain in effect until voided. If a source takes no action the permit will remain in effect.” to read as follows:

“Sources currently holding permits but whose emissions are below the permitting thresholds in Reg. 18.301, and above the registration thresholds under Reg. 18.315(A) may elect to continue to operate under their existing permit or they may submit a registration and request their permit be voided. The permit shall remain in effect until voided. If a source takes no action, the permit will remain in effect.”

Comment 93 – Reg. 18.501(A) through (E) – Remove bold formatting of outline lettering.

Response 93 – ADEQ agrees with this comment and the change will be made.

Comment 94 – Reg. 18.501(A)(1) through (4) – Spell out all numbers and place the numeric in parentheses except when the numbers are used to reference a regulation or date.

Response 94 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 95 – Reg. 18.501(A)(1) through (4) – Ensure that hyphenated phrases (i.e. 24-hour) are punctuated consistently.

Response 95 – ADEQ agrees with this comment and the change will be made. The hyphens will be removed from phrases such as 24-hour and 60-minute.

Comment 96 – Reg. 18.501(C) – Capitalize chapter.

Response 96 – ADEQ agrees with this comment and the change will be made.

Comment 97 – Reg. 18.501(E) – Delete “subsection (A) of this section” and replace it with “Reg. 18.501(A)” (twice).

Response 97 – ADEQ agrees with this comment and the change will be made.

Comment 98 – Reg. 18.603(A) through (I) – Remove bold formatting from outline letters.

Response 98 – ADEQ agrees with this comment and the change will be made.

Comment 99 – Reg. 18.604 – Delete “pursuance” and replace it with “pursuant”.

Response 99 – ADEQ agrees with this comment and the change will be made.

Comment 100 – Reg. 18.604 – Capitalize chapter.

Response 100 – ADEQ agrees with this comment and the change will be made.

Comment 101 – Reg. 18.604(A) – Specify which regulation’s chapter 2 this section is referring to.

Response 101 – ADEQ agrees with this comment and the change will be made as follows “...Chapter 2 of this Code...”

Comment 102 – Reg. 18.604(A) – Capitalize chapter.

Response 102 – ADEQ agrees with this comment and the change will be made.

Comment 103 – Reg. 18.604(A) – Replace “&” with “and” (twice).

Response 103 – ADEQ agrees with this comment and the change will be made.

Comment 104 – Reg. 18.604(B) – Specify which regulation’s chapter 2 this section is referring to.

Response 104 – ADEQ agrees with this comment and the change will be made as follows “...Chapter 2 of this Code...”

Comment 105 – Reg. 18.604(B) – Capitalize chapter.

Response 105 – ADEQ agrees with this comment and the change will be made.

Comment 106 – Reg. 18.604(B) – Replace “&” with “and”.

Response 106 – ADEQ agrees with this comment and the change will be made.

Comment 107 – Reg. 18.604(D) – Replace “&” with “and”.

Response 107 – ADEQ agrees with this comment and the change will be made.

Comment 108 – Reg. 18.701(A) through (D) – Remove bold formatting from outline letters.

Response 108 – ADEQ agrees with this comment and the change will be made.

Comment 109 – Reg. 18.701(B) – Remove the extraneous “)”.

Response 109 – ADEQ agrees with this comment and the change will be made.

Comment 110 – Reg. 18.701(B) – Spell out all numbers and place the numeric in parentheses.

Response 110 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 111 – Reg. 18.901(A) and (B) – Remove bold formatting from outline letters.

Response 111 – ADEQ agrees with this comment and the change will be made.

Comment 112 – Reg. 18.1002(A) through (E) – Remove bold formatting from outline letters.

Response 112 – ADEQ agrees with this comment and the change will be made.

Comment 113 – Reg. 18.1002(D) – Spell out all numbers and place the numeric in parentheses.

Response 113 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 114 – Reg. 18.1002(D) – Remove space between number and percentage sign (twice).

Response 114 – ADEQ agrees with this comment and the change will be made.

Comment 115 – Reg. 18.1002(E)(1) – Spell out all numbers and place the numeric in parentheses.

Response 115 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 116 – Reg. 18.1002 after subsection outline – Spell out all numbers and place the numeric in parentheses.

Response 116 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 117 – Reg. 18.1003(A) and (B) – Remove bold formatting from outline letters.

Response 117 – ADEQ agrees with this comment and the change will be made.

Comment 118 – Reg. 18.1004(A) and (B) – Remove bold formatting from outline letters.

Response 118 – ADEQ agrees with this comment and the change will be made.

Comment 119 – Reg. 18.1004(A) – Spell out all numbers and place the numeric in parentheses.

Response 119 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 120 – Reg. 18.1004(A) – Add “the” between “or” and “EPA”.

Response 120 – ADEQ agrees with this comment and the change will be made.

Comment 121 – Reg. 18.1004(B)(1) and (2) – Each subsection should start with a lowercase letter.

Response 121 – ADEQ agrees with this comment and the change will be made.

Comment 122 – Reg. 18.1101(A) through (E) – Remove bold formatting from outline letters.

Response 122 – ADEQ agrees with this comment and the change will be made.

Comment 123 – Reg. 18.1101(B) – Delete “emission” and replace it with “emissions”.

Response 123 – ADEQ agrees with this comment and the change will be made.

Comment 124 – Reg. 18.1101(C) – Add “a” between “of” and “shutdown”.

Response 124 – ADEQ agrees with this comment and the change will be made.

Comment 125 – Reg. 18.1101(E) – Reg. 18.1101(E)(2) – Delete the last “and”, add “condition” after “upset”, delete the period and add a semicolon, add “and” after the semicolon and delete “and that” and make “all reasonable measures...” the beginning of the sentence

Response 125 – To clarify Reg. 18.1101 the following changes will be made. Insert “that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions and” between “provided” and “the” in the last line of the introductory paragraph of Reg. 18.1101 and delete “And all reasonable measures have been taken to immediately minimize or eliminate the excess emissions.” from the end of 18.1101. 18.1101(E) would read:

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

Comment 126 – Reg. 18.1102(A) through (D) – Remove bold formatting from outline letters.

Response 126 – ADEQ agrees with this comment and the change will be made.

Comment 127 – Reg. 18.1102(D) – Delete the hyphen in “shut-down” to create one word and be consistent with the rest of this regulation.

Response 127 – ADEQ agrees with this comment and the change will be made.

Comment 128 – Reg. 18.1105(A) and (B) – Remove bold formatting from outline letters.

Response 128 – ADEQ agrees with this comment and the change will be made.

Comment 129 – Reg. 18.1105(A)(4) – Add “condition” between “upset” and “to”.

Response 129 – ADEQ agrees with this comment and the change will be made.

Comment 130 – Reg. 18.1201 – Delete the “or” between “amount” and “air” and replace it with “of”.

Response 130 – ADEQ agrees with this comment and the change will be made.

Comment 131 – Reg. 18.1201 – Capitalize chapter.

Response 131 – ADEQ agrees with this comment and the change will be made.

Comment 132 – Reg. 18.1201 – Specify which regulation’s chapter 3 is being referenced.

Response 132 – ADEQ agrees with this comment and the change will be made as follows “...Chapter 3 of this Code...”

Comment 133 – Reg. 18.1302(A) through (D) – Remove bold formatting from outline letters.

Response 133 – ADEQ agrees with this comment and the change will be made.

Comment 134 – Reg. 18.1302(C) – Spell out all numbers and place the numeric in parentheses.

Response 134 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 135 – Reg.18.1401 – Capitalize chapter (twice).

Response 135 – ADEQ agrees with this comment and the change will be made.

Comment 136 – Reg. 18.1401 – Specify which regulation’s chapter 2 is being referenced.

Response 136 – ADEQ agrees with this comment and the change will be made twice in this section as follows “...Chapter 2 of this Code...”

Comment 137 – Reg. 18.1402(A) through (D) – Remove bold formatting from outline letters.

Response 137 – ADEQ agrees with this comment and the change will be made.

Comment 138 – Reg. 18.1402(A)(1) and (2) – Each subsection should start with a lowercase letter.

Response 138 – ADEQ agrees with this comment and the change will be made.

Comment 139 – Reg. 18.1402(B) – Delete “&” and replace it with “and” (twice).

Response 139 – ADEQ agrees with this comment and the change will be made.

Comment 140 – Appendix A – The page numbering for Appendix A is different between Regulation 18 and Regulation 19. Use a consistent page numbering system.

Response 140 – The page number format used in Regulation 18 is correct; therefore, no change will be made based on this comment.

Comment 141 – Appendix A – Define “NSPS” here or in Chapter 2.

Response 141 – ADEQ agrees with this comment and the change will be made as follows “...(such as New Source Performance Standards [NSPS])...”

Comment 142 – Appendix A – Define “NESHAP” here or in Chapter 2.

Response 142 – ADEQ agrees with this comment and the change will be made as follows “...(such as New Source Performance Standards [NSPS], National Emissions Standards for Hazardous Air Pollutants [NESHAPs])...”

Comment 143 – Appendix A – Define “MACT” here or in Chapter 2.

Response 143 – ADEQ agrees with this comment and the change will be made as follows “...(such as New Source Performance Standards [NSPS], National Emission Standard for Hazardous Air Pollutants [NESHAP], Maximum Achievable Control Technology [MACT])...”

Comment 144 – Appendix A, Group A 1. – Spell out all numbers and place the numeric in parentheses.

Response 144 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 145 – Appendix A, Group A 1. – VOC is not defined. Define it here or in Chapter 2.

Response 145 – “VOCs” actually appears in Appendix A, Group A 4. ADEQ agrees with this comment and the change will be made as follows “...contain no Volatile Organic Compounds (VOCs).”

Comment 146 – Appendix A, Group A 1. – Define “BTU” here or in Chapter 2.

Response 146 – ADEQ agrees with this comment and the change will be made as follows “...million British thermal units (MMbtu).”

Comment 147 – Appendix A, Group A 2. – Spell out all numbers and place the numeric in parentheses.

Response 147 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 148 – Appendix A, Group A 2. – Define “psia” here or in Chapter 2.

Response 148 – ADEQ agrees with this comment and the change will be made as follows “3.5 pounds-force per square inch absolute (psia)...”

Comment 149 – Appendix A, Group A 3. – Spell out all numbers and place the numeric in parentheses.

Response 149 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 150 – Appendix A, Group A 5. – Spell out all numbers and place the numeric in parentheses.

Response 150 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 151 – Appendix A, Group A 6. – Spell out all numbers and place the numeric in parentheses.

Response 151 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 152 – Appendix A, Group A 7. – Spell out all numbers and place the numeric in parentheses.

Response 152 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 153 – Appendix A, Group A 8. – Spell out all numbers and place the numeric in parentheses.

Response 153 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 154 – Appendix A, Group A 9. – Spell out all numbers and place the numeric in parentheses.

Response 154 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 155 – Appendix A, Group A 9. – Define “lb” and “gal” here or in Chapter 2.

Response 155 – ADEQ agrees with this comment and the change will be made as follows “... (0.4 pounds per gallon (lb/gal))...”

Comment 156 – Appendix A, Group A 10. – Spell out all numbers and place the numeric in parentheses.

Response 156 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 157 – Appendix A, Group A 11. – Spell out all numbers and place the numeric in parentheses.

Response 157 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 158 – Appendix A, Group A 12. – Add a colon after “is”.

Response 158 – ADEQ agrees with this comment and the change will be made.

Comment 159 – Appendix A, Group A 12.(a) through (b) – Outline letters should be capitalized.

Response 159 – ADEQ agrees with this comment and the change will be made in Appendix A, Group A 12.(a) through (c).

Comment 160 – Appendix A, Group A 13. – Spell out all numbers and place the numeric in parentheses.

Response 160 – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

Comment 161 – Appendix A, Group B 14. – Change “sources” to “source’s”.

Response 161 – ADEQ agrees with this comment and the change will be made.

Comment 162 – Appendix A, Group B 14. – Change “up-keep” to “upkeep”.

Response 162 – ADEQ agrees with this comment and the change will be made.


Comment 163 – Appendix A, Group B 44. – Add “Clean Air” in between “the” and “Act” or define “the Act” in chapter 2.

Response 163 – ADEQ agrees with this comment and it was addressed as mentioned in comment 35 above.

Comment 164 – Appendix A, Group B 75. – Define “IC” here or in Chapter 2.

Response 164 – The change will be made as follows “...including internal combustion engines...” Since IC is not used as an abbreviation in any other place in this regulation, there is no need to abbreviate it.

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By: 
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