

Memorandum

TO: Charles Moulton, Interim Hearing Officer, Arkansas Pollution Control and Ecology Commission

FROM: Mike Bates, Chief, Air Division

DATE: September 14, 2012

SUBJECT: Proposed Revisions to Regulation No. 18, Air Pollution Control Code

The Arkansas Department of Environmental Quality (“ADEQ”) proposes revisions to Regulation No. 18, Arkansas Air Pollution Control Code. Regulation No. 18 is applicable to any source which emits or has the potential to emit any air contaminant as defined in Chapter 2 of Regulation No. 18.

ADEQ is proposing revisions to Regulation No. 18 in order to implement the United States Environmental Protection Agency’s current National Ambient Air Quality Standards (“NAAQS”) for PM_{2.5}, PM₁₀, ozone, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide. For example, in Chapter 2 of Regulation No. 18, a definition and effective date for “PM_{2.5}” were added. Reg.18.301 (A) was revised to add permitting thresholds for PM_{2.5}, and Reg.18.307(C) was revised to provide for a *de minimis* permit change in regard to PM_{2.5} emissions.

Additionally, the definition of “National Ambient Air Quality Standards” in Chapter 2 was revised to incorporate federal revisions to the NAAQS to date, paragraphs (l)-(p) were added under Reg.18.301(B)(3) to the Special Applicability exceptions list, and additional test methods were added under Reg.18.1002(F). An effective date of July 27, 2012, was added to the definition of “National Ambient Air Quality Standards.”

Additional minor changes were made for clarification and consistency purposes, and to correct typographical errors throughout Regulation No. 18. The Table of Contents was updated; “effect” was corrected to “affect” under Reg.18.104; under the definition of “National Ambient Air Quality Standards,” in Chapter 2 of Regulation No. 18, the language “or NAAQS,” was added and the language “which are in affect as of the effective date of this Regulation,” was deleted; the number two (2) was added for clarification under the definition of “Responsible Official,” subparagraph (D), found in Chapter 2 of Regulation No. 18; hyphens were added to “start-up,” “non-compliance,” “non-commercial,” “non-operation,” and “non-volatile,” throughout the regulation; an unnecessary spelled out “Code of Federal Regulations” under the definition of Total Suspended Particle in Chapter 2 was deleted; “and” and “;” were deleted under Reg.18.301(B)(3); in the table under Regulation 18.307(C)(2)(b), “µg/m³” was changed to

“μg/m³” in 5 (five) instances; “that” was corrected to “than” under Reg.18.501(A)(1); “notwithstanding” was corrected to “notwithstanding” under Reg.18.501(A)(3); titles were added to subsections under Reg.18.1002; “no” and “and” was added, “any” and “or that emit” were deleted, and “insure” was corrected to “ensure” under Appendix A, Group A. Appendix B, a table showing the NAAQS, was also added for clarity. Additionally, “CFR” was changed to “C.F.R.” in twenty (20) instances, “A.C.A.” was changed to “Ark. Code Ann.” in seven (7) instances, an unnecessary second section symbol (§) was removed wherever the phrase “*et seq.*” was also used, and the phrase “*et seq.*” was italicized throughout Regulation No. 18.