

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION**

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 18, ARKANSAS AIR)
POLLUTION CONTROL CODE) DOCKET NO. 12___-R**

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION
NO. 18, ARKANSAS AIR POLLUTION CONTROL CODE**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 18, Arkansas Air Pollution Control Code, states:

1. The Department requests that the Arkansas Pollution Control and Ecology Commission (hereinafter, “Commission”) Initiate Rulemaking to amend Regulation No. 18, Arkansas Air Pollution Control Code.
2. The proposed regulatory amendments involve the following:
 - (a) Substantive changes were made to implement the 2006 National Ambient Air Quality Standard for PM_{2.5} by including a definition for PM_{2.5} under Chapter 2 of Regulation No. 18, and adding a permitting threshold to Reg.18.301(A) for PM_{2.5} as well as revising Reg.18.307(C) to provide for a *de minimis* permit change in regard to PM_{2.5} emissions. An effective date of July 27, 2012, was added to the definition of “National Ambient Air Quality Standards.”
 - (b) Additionally, Regulation No. 18 was revised to clarify the usage of federal rules throughout the Regulation, including the updating of the “National Ambient Air Quality Standards” definition in Chapter 2 to adopt the recent revisions to the national standards promulgated by the U.S. Environmental Protection Agency, the addition of paragraphs (l)-(p) under Reg.18.301(B)(3), and the inclusion of additional test methods under Reg.18.1002(F). Appendix B, a table showing the National Ambient Air Quality Standards, was also added for clarity.

- (c) Non-substantive changes were made for clarification and consistency purposes, and to correct typographical errors throughout Regulation No. 18. Proposed revisions include changing “effect” to “affect” under Reg.18.104, adding the phrase “or NAAQS,” to the definition of “National Ambient Air Quality Standards,” adding the number (2) for clarification under the definition of “Responsible Official,” subparagraph (D), found in Chapter 2 of Regulation No. 18, adding hyphens to “start-up,” “non-compliance,” “non-commercial,” “non-operation,” and “non-volatile,” throughout the regulation, deleting an unnecessary spelled out “Code of Federal Regulations” under the definition of Total Suspended Particle in Chapter 2, and under Reg.18.301(B)(3) “and” was deleted. In the table found at Reg.18.307(C)(2)(b), “µg/m3” was changed to “µg/m³” in five (5) instances. Additional changes include inserting the word “than” rather than “that” under Reg.18.501(A)(1), correcting “notwithstanding” to read “notwithstanding” under Reg.18.501(A)(3), adding titles to subsections under Reg.18.1002, adding “no” and “and” to number 9, excluding “any” and “or that emit,” and correcting “insure” to “ensure” under Appendix A, Group A. 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.
3. The proposed changes to Regulation No. 18 have been sent for review by the Department to the Arkansas Economic Development Commission (“AEDC”) as required under Act 143 of 2007.
4. Mike Bates or other Air Division staff from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit “A,” and is

hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B,” and a copy of a Financial Impact Statement for the proposed revision is attached as Exhibit “C,” both of which are incorporated by reference. A memo regarding compliance with Act 143 of 2007 is attached as Exhibit “D,” and is hereby incorporated by reference. This rulemaking is not exempt from the Economic Impact/Environmental Benefit Analysis requirement under Reg.8.812. An Economic Impact/Environmental Benefit Analysis is attached as Exhibit “E.” A Proposed Minute Order is attached as Exhibit “F,” and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 18.

Respectfully Submitted,
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
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By: _____
Mike Bates