

# Memorandum

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A. POLLUTION CONTROL  
& ECOLOGY COMMISSION  
FILED BY

TO: Charles Moulton, Administrative Law Judge, Arkansas Pollution Control and Ecology Commission

FROM: Mike Bates, Chief, Air Division *MB*

DATE: November 21, 2014

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

The Arkansas Department of Environmental Quality (ADEQ, Department) 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 include revised 2012 federal National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM<sub>2.5</sub>). On January 15, 2013, the United States Environmental Protection Agency (EPA) published a final rule in the Federal Register that promulgated revised primary standards for fine particles and revised the annual PM<sub>2.5</sub> standard by lowering the level to 12 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). EPA's revised primary standard provides increased protection against health effects associated with long- and short-term exposures. In the same rule, EPA retained the 24-hour PM<sub>2.5</sub> standard at a level of 35  $\mu\text{g}/\text{m}^3$ . (78 FR 3086, January 15, 2013). During the public comment period, ADEQ will take comments on when an analysis would be required to evaluate impacts on the NAAQS during the permitting process. Additionally, ADEQ will take comment on requirements for such an analysis, when required.

ADEQ is proposing to update the definition of "National Ambient Air Quality Standards" in Chapter 2 to match the federal definition and to add the federal definition for PM<sub>2.5</sub>, as published in the Federal Register on January 15, 2013. (78 FR 3086, January 15, 2013.) Based on this final rule, ADEQ is also proposing to include a general applicability limit for PM<sub>2.5</sub> and *De Minimis* emissions values, and to include a concentration threshold for *De Minimis* PM<sub>2.5</sub> air quality impact.

ADEQ is proposing to add two (2) federal exemptions to the special applicability list within Chapter 3 of Regulation No. 18. (72 FR 38864, July 16, 2007; 73 FR 1916, January 10, 2008).

ADEQ is also proposing to include Federal Register publish dates for several items which were previously dated with arbitrary dates having no reference to federal or state law (e.g., the initiation date of the last proposed revision). This action will help clarify the regulation so users may identify and verify against the federal statute associated with a specific condition. Revisions proposed for this purpose are located:

- Within the definition of "PM<sub>2.5</sub>:" October 17, 2006 (71 FR 61226)
- Within the definition of "PM<sub>10</sub>:" August 7, 1987 (52 FR 29467)
- At 18.1002(F):
  - 40 C.F.R. Part 51, Appendix M: April 2, 2014 (79 FR 18452)
  - 40 C.F.R. Part 60, Appendix A: February 27, 2014 (79 FR 11257)

- 40 C.F.R. Part 61, Appendix B: October 17, 2000 (65 FR 62161)
- 40 C.F.R. Part 63, Appendix A: December 29, 1992 (57 FR 62002)
- At 18.1003(A):
  - 40 C.F.R. Part 60 Appendix B: February 27, 2014 (79 FR 11271)
  - 40 C.F.R. Part 60 Appendix F: February 27, 2014 (79 FR 11274)
  - 40 C.F.R. Part 51 Appendix P: November 7, 1986 (51 FR 40675)
- At 18.1003(B): 40 C.F.R. Part 51 Appendix P: November 7, 1986 (51 FR 40675)

ADEQ is also proposing to include the addition of a definition for “Emission increase” at Chapter 2 consistent with the definition currently proposed for Regulation No. 19. Additionally, at Reg. 18.307(C)(2), *De Minimis* Changes, language was revised to clarify the section by including reference to the proposed definition of “Emission increase,” and by removing redundant phrasing.

ADEQ is proposing to clarify language at Appendix A, within the introduction for Group A, to match permitting protocol. Also being proposed, for Group B number 76, is clarification of the existing language by adding references to federal statute.

ADEQ is proposing to include the current federal National Ambient Air Quality Standards List as Appendix B. (38 FR 25678, September 14, 1973; 61 FR 52852, October 8, 1996; 71 FR 61144, October 17, 2006; 73 FR 16436, March 27, 2008; 73 FR 66964, November 12, 2008; 75 FR 6474, February 9, 2010; 75 FR 35520, June 22, 2010; 76 FR 54294, August 31, 2011; 78 FR 3085, January 15, 2013.)

Additional minor changes are being proposed for clarification and consistency, and to correct typographical errors throughout Regulation No. 18, and are non-substantive.