

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF )  
AMENDING REGULATION NUMBER 19,) )  
REGULATIONS OF THE ARKANSAS )  
PLAN OF IMPLEMENTATION FOR )  
AIR POLLUTION CONTROL )

Docket No. 06-\_\_\_\_-R

PETITION TO INITIATE RULEMAKING TO AMEND  
REGULATION NUMBER 19, REGULATIONS OF THE ARKANSAS  
PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL

The Arkansas Department of Environmental Quality (hereinafter ADEQ, or the Department), for its Petition to Initiate Rulemaking to Amend Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control, states:

1. The Department requests that the Commission Initiate Rulemaking to amend Regulation Number 19, the Regulations of the Arkansas Plan of Implementation for Air Pollution Control to repeal Chapter 12 which is entitled "Nonattainment Areas". The provisions of Chapter 12 as well as the federal requirements contained in 40 CFR Part 51.160-165 associated with the permitting requirements for major sources in nonattainment areas will be incorporated into Regulation Number 31, a new Arkansas Pollution Control and Ecology Commission (hereinafter "Commission") regulation which the Department is proposing for initiation by separate petition. The Department requests that the Commission consider the initiation of rulemaking associated with the repeal of Chapter 12 of Regulation Number 19 to be

contingent upon the Commission's decision to initiate rulemaking to promulgate the new Commission Regulation Number 31. The Department makes this request to avoid the potential of either of two possible results:

a. There are no nonattainment provisions contained in any Commission regulation if the Commission repeals Chapter 12 of Regulation Number 19 without initiating rulemaking to promulgate Regulation Number 31; or

b. There are duplicate nonattainment provisions in two Commission regulations if the Commission does not repeal Chapter 12 of Regulation Number 19 and initiates rulemaking to promulgate Regulation Number 31.

2. The Department proposes amending Reg.19.304 which is entitled "Delegated Federal Programs". The Department proposes amending the dates referenced in this section to read January 27, 2006. A marked-up version of Regulation Number 19 showing the proposed changes is attached as Exhibit A and is hereby incorporated by reference.

3. The proposed changes to Regulation Number 19 do not require an economic impact/environmental benefit analysis because the provisions of Chapter 12 of Regulation Number 19 will be incorporated into the new Regulation Number 31 upon initiation of rulemaking by the Commission to promulgate that regulation.

4. The Arkansas Department of Economic Development reviewed the proposed changes to Regulation Number 19 and found that the amendments are exempt from the requirements of Executive Order 05-04.

5. Attached to this petition and incorporated by reference are documents as follows:

- a. Legislative Questionnaire (Exhibit B);
- b. Financial Impact Statement (Exhibit C);
- c. Economic Impact Statement of Proposed Rules or Regulations Executive Order 05-04: Regulatory Flexibility and the response from the Arkansas Department of Economic Development (Exhibit D);
- d. Economic Impact/Environmental Benefit Analysis (Exhibit E); and
- d. Proposed Minute Order (Exhibit F).

6. ADEQ employees, Becky Keogh, Deborah Pitts, or Mike Porta will be available to answer questions concerning this proposed rulemaking.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed repeal of Chapter 12 of Regulation Number 19 contingent upon the initiation of rulemaking associated with the promulgation of new Commission Regulation Number 31.

Respectfully Submitted,

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
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By: Deborah Pitts