

**Arkansas Pollution Control and Ecology Commission
Regulation 19, Regulations of the Arkansas Plan of
Implementation for Air Pollution Control
Proposed Revisions Comparison Chart**

APC&EC REGUALTION 19 PROPOSED REVISIONS	CODE OF FEDERAL REGULATIONS
<p>Reg. 19.705 Record Keeping and Reporting Requirements</p> <p>D. <u>Each emission inventory is to be accompanied by a certifying statement, signed by the owner(s) or operator(s) and attesting that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying official.</u></p>	<p>Section 182(a)(3)(B) of the Federal Clean Air Act</p>
<p><u>Reg. 19.1401 Adoption of Regulations</u></p> <p><u>40 CFR Part 96 as finalized by the U.S. Environmental Protection Agency (EPA) on May 12, 2005, and further revised by EPA on April 28, 2006, is herein incorporated by reference with the exception of Subparts EEEE (CAIR NO_x Ozone Season Allowances Allocations) and IIII (CAIR NO_x Ozone Season Opt-in Units) which are not incorporated. The following Regulations are to take the place of 40 CFR 96 Subpart EEEE.</u></p>	

<p><u>Reg. 19.1402 State Trading Budget</u></p> <p><u>The Arkansas State trading budgets for annual allocations for CAIR NO_x Ozone Season allowances have been set by EPA as follows (in tons): for the control periods of 2009 through 2014 and 2015 and thereafter are respectively 11,515 and 9,596. The total number of allocations issued by the State of Arkansas shall not exceed these budgets for their respective control periods.</u></p>	<p>Conforms with Code of Federal Regulations Title 40 Part 96 Subpart EEEE 96.340</p>
<p><u>Reg. 19.1403 Timing Requirements for CAIR NO_x Ozone Season Allowance Allocations</u></p> <p>(A) <u>For EGUs commencing operation before January 1, 2001, the Department will determine and notify the Administrator of each unit's allocation of CAIR NO_x Ozone Season allowances by April 30, 2007, for 2009, 2010, and 2011 and by October 31, 2008, and October 31 of each year there after for the 4th year after the notification deadline.</u></p> <p>(B) <u>For EGUs commencing operation on or after January 1, 2001, the Department will determine and notify the Administrator of each unit's allocation of CAIR NO_x Ozone Season allowances by July 31 of the year for which the CAIR NO_x Ozone Season allowances are allocated.</u></p>	<p>Conforms with Code of Federal Regulations Title 40 Part 96 Subpart EEEE 96.341 and 51.123</p>
<p><u>Reg. 19.1404 CAIR NO_x Ozone Season Allowance Allocations</u></p> <p><u>The baseline gross electric generation (in</u></p>	<p>Conforms with Code of Federal Regulations Title 40 Part 96 Subpart EEEE 96.342</p>

MW) used with respect to CAIR NO_x Ozone Season allowance allocations under paragraph (B) of this section for each CAIR NO_x Ozone Season will be:

- (A) For each CAIR Ozone Season NO_x unit that has operated each calendar year during a period of 5 or more consecutive calendar years, the average of the 3 highest amounts of the unit's control period gross electrical output over the 5 years prior to the control period, provided that electrical output of the generator will be attributed to each unit in proportion of the unit's share of the total control period output of such units for the year.
- (B) With timing requirements in 19.1403, for each control period in 2009 and thereafter, the Department will allocate to all CAIR NO_x Ozone Season units in the State that have baseline generation (as determined under paragraph (A) of this section) a total amount of CAIR NO_x Ozone Season allowances equal to 95 percent for a control period during 2009 through 2014, and 97 percent for a control period during 2015 and thereafter, of the tons of NO_x emissions in the State trading budget under Section 19.1402 (except as provided in paragraph (E) of this section). For the allocations allocated for 2009, 2010 and 2011, baseline data will be determined using gross electrical output for years 2000 through 2004.
- (C) The Department will allocate CAIR NO_x Ozone Season allowances to each CAIR NO_x Ozone Season unit under paragraph (B) of this section in an amount determined by multiplying the total amount of

<p>(D) <u>CAIR NO_x Ozone Season allowances allocated under paragraph (B) of this section by the ratio of the baseline generation of such CAIR NO_x Ozone Season unit to the total amount of baseline generation of all such CAIR NO_x Ozone Season units in the State and rounding to the nearest whole allowances as appropriate.</u></p> <p><u>For each control period in 2009 and thereafter, the Department will allocate CAIR NO_x Ozone Season allowances to CAIR NO_x Ozone Season units in the State that commenced operation on or after January 1, 2001, and do not yet have a baseline generation (as determined under paragraph (A) of this section), in accordance with the following procedures:</u></p> <p><u>(1) The Department will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated CAIR NO_x Ozone Season allowances equal to 5 percent for a control period in 2009 through 2014 and 3 percent for a control period in 2015 and thereafter, of the amount of tons of NO_x emissions in the State trading budget under 19.1402.</u></p> <p><u>(2) The CAIR designated representative of such a CAIR NO_x Ozone Season unit may submit to the Department a request, in a format specified by the Department, to be allocated CAIR NO_x Ozone Season</u></p>	
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allowances, starting with the later of the control period in 2009 or the first control period after the control period in which the CAIR NO_x Ozone Season unit commences commercial operation and until the first control period for the which the unit is allocated CAIR NO_x Ozone Season allowances under paragraph (B) of this section. The CAIR NO_x Ozone Season allowance allocation request must be submitted on or before January 1 of the first control period for which the CAIR NO_x Ozone Season allowances are requested and after the date on which the CAIR NO_x Ozone Season unit commences commercial operation.

(3) In a CAIR NO_x Ozone Season allowances allocation request under paragraph (D)(2) of this section, the CAIR designated representative may request for a control period CAIR NO_x Ozone Season allowances in an amount not exceed the CAIR NO_x Ozone Season unit's total tons of NO_x emissions during the calendar year immediately before such control period.

(4) The Department will review each CAIR NO_x Ozone Season allowance allocation request under paragraph (D)(2) of this section and

will allocate CAIR NO_x Ozone Season allowances for each control period pursuant to such request as follows:

(a) The Department will accept an allowance allocation request only if the request meets or is adjusted by the Department as necessary to meet the requirements of paragraphs (D)(2) and (3) of this section.

(b) On or after February 1 of the control period, the Department will determine the sum of the CAIR NO_x Ozone Season allowances requested (as adjusted under paragraph (D)(4)(a) of this section for the control period.

(c) If the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period is greater than or equal to the sum under paragraph (D)(4)(a) of this section, then the Department will allocate the amount of CAIR NO_x Ozone Season allowances requested (as

adjusted under paragraph (D)(4)(b) of this section) to each CAIR NO_x Ozone Season unit covered by paragraph (D)(4)(a) of this section.

(d) If the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period is less than the sum under paragraph (D)(4)(b) of this section, the Department will allocate to each CAIR NO_x Ozone Season unit covered by an allowance allocation request accepted under paragraph (D)(4)(a) of this section the amount of the CAIR NO_x Ozone Season allowances requested (as adjusted under paragraph (D)(4)(a) of this section), multiplied by the amount of CAIR NO_x Ozone Season allowances in the new source set-aside for the control period, divided by the sum determined under paragraph (D)(4)(b) of this section, and rounded to the nearest whole allowances as appropriate.

(e) The Department will notify each CAIR designated representative that submitted an allowance allocation request of the amount of CAIR NO_x Ozone Season

allowances (if any)
allocated for the
control period to the
CAIR NO_x Ozone
Season unit covered
by the request.

- (E) If, after completion of the
procedures under paragraphs (D)(4)
of this section for a control period,
any unallocated CAIR NO_x Ozone
Season allowances remain in the
new unit set-aside for the control
period, the Department will allocate
to each CAIR NO_x Ozone Season
unit that was allocated CAIR NO_x
Ozone Season allowances under
paragraph (B) of this section an
amount of CAIR NO_x Ozone
Season allowances equal to the total
amount of such remaining
unallocated CAIR NO_x Ozone
Season allowances, multiplied by
the unit's allocation under
paragraph (B) of this section,
divided by 95 percent for a control
period during 2009 through 2014,
and 97 percent for a control period
during 2015 and thereafter, of the
amount of tons of NO_x emissions in
the State trading budget under
Section 19.1402, and rounded to the
nearest whole allowance as
appropriate.