

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. 07-006R

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

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AR. POLLUTION CONTROL
& ECOLOGY COMMISSION
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The Arkansas Department of Environmental Quality ("ADEQ" or "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 amend Chapter 15 to fulfill the State's obligation as part of the federal Regional Haze Program ("Program"). The Program addresses regional haze in each mandatory Class I Federal area located in Arkansas. The Program also addresses Class I Federal areas located outside Arkansas which may be affected by facility emissions from the State. Implementation plans, required by the Program, among other things, must contain emission limits representing best available retrofit technology ("BART") requirements for sources "that may reasonably be anticipated to cause or contribute to any impairment of visibility in any

mandatory Class I federal area". The purpose of these regulatory revisions is to meet the State's obligation to establish BART requirements as found in 40 CFR 51.308(e).

2. The Department proposes adding Chapter 15 which is entitled Regional Haze. The Department proposes adding seven sections as follows:

- a. Reg. 19.1501 Purpose;
- b. Reg.19.1502 Definitions;
- c. Reg.19.1503 BART Eligible sources;
- d. Reg.19.1504 Facilities Subject to BART;
- e. Reg.19.1505 BART Requirements;
- f. Reg.19.1506 Compliance Provisions; and
- g. Reg.19.1507 Permit Reopening.

4. The proposed changes to Regulation Number 19 do not require an economic impact/environmental benefit analysis because the provisions Chapter 15 of APC&EC Regulation Number 19 incorporate federal requirements.

5. The proposed changes to Regulations Number 19 are currently under review by the Arkansas Department of Economic Development (ADED). The Department anticipates that ADED will determine that the amendments are exempt from the requirements of Act 143 of 2007.

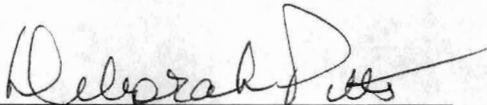
6. Attached to this petition and incorporated by reference are documents as follows:

- A. Legislative Questionnaire (Exhibit B);
 - B. Financial Impact Statement (Exhibit C);
 - C. Act 143 of 2007 EIS (Exhibit D);
 - D. Economic Impact/Environmental Benefit Analysis (Exhibit E);
 - E. Statement of Basis and Purpose (Exhibit F); and
 - F. Proposed Minute Order (Exhibit G).
6. ADEQ employees, Mary Pettyjohn, Mike Porta and Deborah Pitts, 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 revisions of Regulation Number 19.

Respectfully Submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
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By: Deborah Pitts