

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

See the attached Petition to Initiate Rulemaking for a summary and Exhibit A for a mark-up copy of the changes.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

A.C.A §8-4-201, §8-4-202, and §8-4-311.

7. What is the purpose of this proposed rule? Why is it necessary?

The changes to Regulation Number 19 are being proposed in response to the United States Environmental Protection Agency's ("EPA") June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule ("Tailoring Rule"). The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Language is being proposed in Chapter 9 of Regulation Number 19 to include emission levels of greenhouse gases over 75,000 tons per year in the Prevention of Significant Deterioration ("PSD") permitting program. Language is being proposed to ensure emission levels under 75,000 tons per year will be considered "De Minimis" and increases of greenhouse gases under this level will not require a major permit modification. These amendments will modify ADEQ's PSD permitting program to match EPA's Tailoring Rule, so that beginning January 2, 2011, facilities currently subject to the PSD permitting program will be required to include greenhouse gases in their permits if they increase their emissions of greenhouse gases by 75,000 tons of carbon dioxide equivalent per year. On July 1, 2011, the requirements will also apply to preconstruction permits for facilities that emit at least 100,000 tons of greenhouse gases and existing facilities that increase their emissions by at least 75,000 tons per year, even if they do not exceed thresholds for other pollutants. Changes made to Appendix A of Regulation Number 18 seek to clarify that activities emitting less than 75,000 tons per year of carbon dioxide emissions are included in the Group A Insignificant Activities List for Appendix A, Regulation Number 19. Making these changes will maintain consistency between Federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas, as well as maintain consistency across air pollution regulations.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm

9. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: March 8, 2011

Time: 1:00 PM

Place: ADEQ Commission Room, 5301 Northshore Drive, North Little Rock, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
March 22, 2011
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
On or about July 15, 2011
12. Do you expect this rule to be controversial? Yes ___ No X If yes, please explain.
13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
ADEQ held a stakeholder briefing on December 15, 2010, to announce the proposed regulation revisions. Potential commentors and positions are unknown at this time.