



ARKANSAS
Department of Environmental Quality

Memorandum

TO: Charles Moulton, Hearing Officer
Arkansas Pollution Control and Ecology Commissioners

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

DATE: January 14, 2011

SUBJECT: Proposed Revisions to Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control

The Arkansas Department of Environmental Quality (ADEQ) proposes revisions to Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control. Regulation Number 19 is applicable to minor sources and sources subject to Prevention of Significant Deterioration ("PSD") regulation.

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 of over 75,000 tons per year in the 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 19 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.