

NOTICE OF EMERGENCY AND TRADITIONAL RULEMAKINGS AND NOTICE OF PUBLIC HEARINGS AND COMMENT PERIOD

Notice is hereby given that the Arkansas Pollution Control and Ecology Commission (APC&EC) made formal findings on June 22, 2012, that emergency and traditional rulemaking actions are necessary regarding Commission Regulation No. 19 (Arkansas Plan of Implementation for Air Pollution Control) and Commission Regulation No. 26 (Arkansas Operating Air Permit Program). As a result, changes to both regulations have been promulgated on an emergency basis for up to 180 days, and permanent rulemaking has been initiated. Additionally, public hearings have been scheduled for August 1, 2012, for both proposed regulations changes. Written comments on both proposals will be accepted until August 15, 2012.

The Regulation No. 19 hearing will begin at 2:00 p.m. in the Arkansas Department of Environmental Quality (ADEQ) Commission Room, located at the Arkansas Department of Environmental Quality headquarters building, 5301 Northshore Drive, North Little Rock, AR, 72118. The Regulation No. 26 hearing will be held at the same location, beginning immediately after the Regulation No. 19 hearing has concluded. In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearings. If the hearings are postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

The changes to Regulation Nos. 19 and 26 are being proposed in response to the United States Environmental Protection Agency's (EPA) Deferral for CO₂ Emissions from Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (PSD) and Title V Programs (76 FR 43490, July 20, 2011). The Rule defers PSD and Title V permitting requirements for biogenic CO₂ emissions from bioenergy and other biogenic stationary sources until July 21, 2014. An additional change is proposed for Regulation No. 19 to move (without revision) the existing "stay" provision from Reg.19.904(G)(6) to the Severability section at Reg.19.1006. APC&EC authority to revise Regulation Nos. 19 and 26 is found in Arkansas Code Annotated, Section 8-4-301, *et seq.*

Amendments to Regulation No. 19 will be submitted to the EPA for inclusion into Arkansas's State Implementation Plan, and amendments to Regulation No. 26 will be submitted to the EPA for inclusion into Arkansas's Title V and Part 70 State Program.

Copies of the two proposed regulation changes are available for public inspection during normal business hours at the Public Outreach and Assistance (POA) Division in the ADEQ's headquarters building in North Little Rock, and in ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library, 900 W.

Capitol, Suite 100, Little Rock. In addition, copies of the draft regulations showing the proposed changes, along with related support documents, are available for viewing or downloading on the draft regulations page of the ADEQ's Internet website at www.adeg.state.ar.us. Oral and written statements will be accepted at the hearings, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be accepted if received no later than 4:30 p.m. August 15, 2012. Written comments should be mailed to Doug Szenher, POA Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

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Arkansas Department of Environmental Quality