




ARKANSAS
Department of Environmental Quality

Memorandum

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

FROM: Mike Bates, Chief, Air Division 

DATE: June 8, 2012

SUBJECT: Proposed Revisions to Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control

The Arkansas Department of Environmental Quality ("ADEQ") proposes revisions to Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control. Regulation No. 19 is applicable to minor sources and sources subject to Prevention of Significant Deterioration ("PSD") regulation.

The substantive changes to Regulation No. 19 are being proposed in response to the United States Environmental Protection Agency's ("EPA") July 20, 2011, *"Deferral for CO₂ Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration and Title V Programs, Final Rule"* (76 FR 43490). This Final Rule defers the application of the PSD and Title V permitting requirements to biogenic carbon dioxide ("CO₂") emissions from bioenergy and other biogenic stationary sources until July 21, 2014. The amendments to Regulation No. 19 include the deferral for CO₂ emissions from bioenergy and other biogenic sources under the PSD Program in the definition of "CO₂ equivalent emissions" ("CO₂e") and in Chapter 19, under 19.904(G)(2)(c) (Adoption of Regulations section).

It is also proposed that the greenhouse gases "stay" provision is moved, without revision, from Reg. 19.904(G)(6) to Reg. 19.104 (Severability section) to clarify the applicability of the clause.

Making the proposed amendments will maintain consistency between federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas and it will maintain compliance with the federal deferral of permitting requirements for biogenic CO₂ emissions. The Department requests that the Commission consider the initiation of rulemaking to amend Regulation No. 19 to ensure that Regulation No. 19 will remain consistent with and be no more stringent than federal regulations. The Department also requests that the Commission consider this promulgation to amend Regulation No. 19 to be contingent upon the Commission's decision to initiate rulemaking to amend Regulation No. 26.