


Memorandum

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

FROM: Mike Bates, Chief, Air Division 

DATE: February 8, 2013

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

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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.

ADEQ is proposing revisions to Regulation No. 19 in order to implement plantwide applicability limitations (PALs) for greenhouse gas (GHG) emissions. On July 12, 2012, the Environmental Protection Agency published a final rule in the Federal Register which promulgated the third step of the GHG Tailoring Rule, which was instated to “improve the administration of the GHG PSD permitting programs.” (77 Fed. Reg. 41,051, July 12, 2012.) Adoption of the proposed revisions to Regulation No. 19 will reduce the administrative burden on the Department and will streamline the air permitting process for large facilities subject to GHG permitting.

Significant proposed changes are found within Regulation No. 19, Chapter 9, *Prevention of Significant Deterioration*. Specifically, at Reg.19.904, *Adoption of Regulations*, paragraph 19.904(A)(1) is revised to incorporate 40 C.F.R. § 52.21(aa), the section within the Code of Federal Regulations where the GHG PALs federal language is located, and the pre-existing paragraph (A)(1) is renumbered as (A)(2). Also, at 19.904(G)(1), subparagraphs (a), (b), and (c) are added largely verbatim from GHG PALs federal language found at 40 C.F.R. § 52.21(b)(49)(i).

Minor changes were also made for clarification and consistency purposes, or to update typographical errors throughout Regulation No. 19. These changes are not related to the above GHG PALs revision, and are non-substantive items. Revisions made for this purpose include: at 19.904(A) a reference to paragraph 19.904(G) is added, at 19.904(E)(3) a reference to air quality models is corrected, and at 19.904(G)(1) the word “and” is added.