

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 19, REGULATIONS OF)
ARKANSAS PLAN OF IMPLEMENTATION)
FOR AIR POLLUTION CONTROL)**

DOCKET NO. 13___-R

NOTED-7 11:11:11

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION
NO. 19, REGULATIONS OF THE ARKANSAS PLAN OF IMPLEMENTATION
FOR AIR POLLUTION CONTROL**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”),
for its Petition to Initiate Rulemaking to Amend Regulation No. 19, Regulations of the Arkansas
Plan of Implementation for Air Pollution Control, states:

1. The Department requests that the Arkansas Pollution Control and Ecology Commission (hereinafter “Commission”) Initiate Rulemaking to amend Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control.
2. The proposed regulatory amendments are as follows:
 - (a) Substantive changes made to Regulation No. 19 to implement the Environmental Protection Agency’s promulgation of Greenhouse Gas (GHG) emissions plantwide applicability limitations (PALs):
 - i. Reg.19.904(A)(1)—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); and

- ii. Reg.19.904(G)(1)—subparagraphs (a), (b), and (c) are added largely verbatim from GHG PALs federal language found at 40 CFR § 52.21(b)(49)(i).

(b) Non-substantive revisions made for clarification, consistency, or to update typographical errors throughout Regulation No. 19 include:

- i. 19.904(A)—a reference to paragraph 19.904(G) is added;
- ii. 19.904(E)(3)—a reference to air quality models is corrected; and
- iii. 19.904(G)(1)—the word “and” is added.

3. The proposed changes to Regulation No. 19 have been sent for review by the Department to the Arkansas Economic Development Commission (“AEDC”) as required under Act 143 of 2007.

4. Mike Bates or other Air Division staff from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of Regulation No. 19 showing the proposed changes is attached as Exhibit “A,” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B,” and a copy of a Financial Impact Statement for the proposed revision is attached as Exhibit “C,” both of which are incorporated by reference. A memo regarding compliance with Act 143 of 2007 is attached as Exhibit “D,” and is hereby incorporated by reference. This rulemaking is exempt from the Economic Impact/Environmental Benefit Analysis requirement under Reg. 8.812 because the substantive proposed additions incorporate language of a federal regulation without substantive change, and the non-substantive proposed additions make only de minimis changes to the existing regulation to correct

typographical errors. A proposed minute order is attached as Exhibit "E," and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 19.

Respectfully Submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
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By: 
Mike Bates