

MEMORANDUM

To: Arkansas Pollution Control and Ecology Commission (“Commission”)

From: Mike Bates, Chief, Air Division, Arkansas Department of Environmental Quality (“ADEQ”)

Date: February 22, 2013

RE: Compliance with Act 143 of 2007

The proposed changes to Regulation No. 19 are exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because the changes “substantially codify existing... federal law.” Please see the attached e-mail from ADEQ staff to Ms. Pat Brown of the Arkansas Economic Development Commission (“AEDC”). On February 7, 2013, the proposed rule changes (Exhibit “A,” of the Rulemaking Packet) were submitted to AEDC for review pursuant to Act 143 of 2007, as amended by Act 809 of 2009. As of February 22, 2013, there has been no response from AEDC regarding this proposed rulemaking. At such time AEDC provides documentation of its review of the proposed changes to Regulation No. 19, ADEQ will supplement this memorandum by filing the response from AEDC with the Commission's Administrative Hearing Officer, and by placing an electronic copy of the response on the Commission's website.

Droke, Erika

From: Droke, Erika
Sent: Thursday, February 07, 2013 7:56 AM
To: pbrown@arkansasedc.com
Cc: Bates, Mike; Sartain, Elizabeth; Jacobs, Flavia
Subject: Act 143: Review of APC&EC Regulation 19 proposed revisions
Attachments: A_Reg19_PALs_2-7-2013.pdf

Ms. Brown,

Please find attached Arkansas Pollution Control and Ecology Commission's proposed revisions to **Regulation Number 19**. Changes to this air pollution control regulation are being proposed in order to implement the United States Environmental Protection Agency's current plant-wide applicability limits, which will help to streamline the air permitting process for large facilities which are subject to permitting for greenhouse gas emissions.

The proposed revisions serve to codify existing federal law, are therefore exempt from preparation of an Economic Impact Statement, and are not expected to have an impact on small businesses in the State of Arkansas.

Please do not hesitate to contact me if you have any questions or comments.

Thank you for your time,

Erika Droke
Arkansas Department of Environmental Quality
Air Division, Planning Branch: Regulations Development
5301 Northshore Drive
North Little Rock, AR 72118-5317
Phone: (501) 682-0748
Fax: (501) 682-0753
droke@adeq.state.ar.us