


MEMORANDUM

Date: November 21, 2014

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

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

RE: Compliance with Act 143 of 2007

A majority of 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 proposed revisions substantially codify existing federal law. Please see the attached Memorandum, addressing Charles Moulton, Administrative Law Judge with the Commission, which lists each of the federal rules that correspond to proposed revisions.

However, one section, Reg. 19.305, and related revisions to Chapter 2 *Definitions* and Chapter 4 *Minor Source Review*, are not exempt from an Economic Impact Statement. The revisions are intended to address provisions of Ark. Code Ann. §§ 8-4-317 and 8-4-318, but are more specifically worded than state law. Attached is an electronic message from ADEQ staff to Ms. Pat Brown of the Arkansas Economic Development Commission (“AEDC”). ADEQ staff requested expedited review if ADEQ could provide AEDC with the revisions by November 21, 2014. On November 21, 2014, the proposed rule changes (Exhibit “A,” of the Initiation Packet) the EIS (Exhibit “E,” of the Initiation Packet), and the Commission Memorandum outlining substantive revisions were submitted to AEDC for review pursuant to Act 143 of 2007, as amended by Act 809 of 2009. 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 Secretary, and by placing an electronic copy of the response on the Commission's website.

Droke, Erika

From: Sartain, Elizabeth
Sent: Wednesday, November 19, 2014 2:46 PM
To: pbrown@arkansasedc.com
Cc: Bates, Mike; Davis, Anthony; Droke, Erika; Jacobs, Flavia; West, Tommi; Morgan, Lesley
Subject: Review under Act 143 of 2007

Dear Ms. Brown,

I work at the Arkansas Department of Environmental Quality and we are working on revisions to three of our air quality regulations which we would like to present to the Arkansas Pollution Control and Ecology Commission at their December 5th meeting.

In order to allow for the 10-day AEDC review of the proposed revisions, we would need to email them to you no later than today, November 19, 2014. At this time, our proposed changes are still under internal review and it is unlikely we have final approval to send the regulations to you by today, November 19th. If we were able to finalize all the paperwork and send the revisions to you by close of business November 21, 2014, would you be able to grant request of expedited review by December 4, 2014?

Thank you for your consideration.

Elizabeth Sartain
Environmental Program Coordinator
Air Division
Arkansas Department of Environmental Quality
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North Little Rock, AR 72118
(501) 682-0719
(501) 682-0880 (fax)

Droke, Erika

From: Droke, Erika
Sent: Friday, November 21, 2014 2:36 PM
To: 'pbrown@arkansasedc.com'
Cc: Sartain, Elizabeth
Subject: Act 143: Review of APC&EC Regulation 19 proposed revisions
Attachments: E_Reg19_2012PM_EIS_11-21-14.pdf; A_Reg19_2012PM_Markup_11-21-14.pdf

Ms. Brown,

Please find attached Arkansas Pollution Control and Ecology Commission's proposed revisions to **Regulation Number 19**, and an Economic Impact Statement which was prepared pursuant to Act 143 of 2007. The proposed revisions to Regulation No. 19 are not expected to have an impact on small businesses in the State of Arkansas.

Changes to this air pollution control regulation were made in order to implement the United States Environmental Protection Agency's current National Ambient Air Quality Standards ("NAAQS") for PM2.5, PM10, ozone, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide.

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

Thank you for your time,

Erika Droke
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