

Memorandum

POLLUTION CONTROL
- ECOLOGY COMMISSION
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TO: Charles Moulton, Administrative Law Judge, Arkansas Pollution Control and Ecology Commission

FROM: Mike Bates, Chief, Air Division *MB*

DATE: November 21, 2014

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, Department) 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 include revised 2012 federal National Ambient Air Quality Standard (NAAQS) for fine particulate matter (PM_{2.5}). On January 15, 2013, the United States Environmental Protection Agency (EPA) published a final rule in the Federal Register that promulgated revised primary standards for fine particles and revised the annual PM_{2.5} standard by lowering the level to 12.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). EPA's revised primary standard provides increased protection against health effects associated with long- and short-term exposures. In the same rule, EPA retained the 24-hour PM_{2.5} standard at a level of 35 $\mu\text{g}/\text{m}^3$. (78 FR 3086, January 15, 2013). With this rulemaking, ADEQ is also proposing *De Minimis* values for PM_{2.5}. During the public comment period, ADEQ will take comments on when an analysis would be required to evaluate impacts on the National Ambient Air Quality Standards during the permitting process. Additionally, ADEQ will take comment on requirements for such an analysis, when required.

ADEQ is proposing to update the definition of "Volatile Organic Compounds" to match the federal definition. (77 FR 37610, June 22, 2012; 78 FR 9823, February 12, 2013; 78 FR 53029, August 28, 2013; 78 FR 62451, October 22, 2013; and 79 FR 17037, March 27, 2014.)

ADEQ is proposing to update incorporation dates for Global Warming Potentials to include the federal revisions, as published in the Federal Register on November 29, 2013. (78 FR 71948, November 29, 2013.)

ADEQ is proposing to include federal revisions to the reasonable possibility standard found at 40 C.F.R. § 52.21(r)(6), as published in the Federal Register on December 21, 2007 (72 FR 72607, December 21, 2007). The revision clarifies what constitutes "reasonable possibility" and when the reasonable possibility recordkeeping requirements apply.

All proposed revisions listed above are necessary for ADEQ to administer the state's PSD permitting program, and to retain that authority under an approved SIP.

ADEQ is also proposing to remove language related to the temporary carbon dioxide “biomass exemption” which was adopted into Regulation No. 19 on October 26, 2012. On July 21, 2014, the exemption language expired automatically and the exemption is not currently effective.

ADEQ is also proposing to include Federal Register publish dates for several items which were previously dated with arbitrary dates having no reference to federal or state law (e.g., the initiation date of the last proposed revision). This action will help clarify the regulation so users may identify and verify against the federal statute associated with a specific condition. Revisions proposed for this purpose are located:

- Within the definition of “Particulate Matter Emissions:” February 27, 2014 (79 FR 11257)
- Within the definition of “PM_{2.5}:” October 17, 2006 (71 FR 61226)
- Within the definition of “PM_{2.5} emissions:” April 2, 2014 (79 FR 18452)
- Within the definition of “PM₁₀:” August 7, 1987 (52 FR 29467)
- Within the definition of “PM₁₀ emissions:” April 2, 2014 (79 FR 18452)
- At 19.412(A): 70 FR 68228 (existing date is from this publishing, but no federal rule reference included)
- At 19.702(F):
 - 40 C.F.R. Part 51, Appendix M: April 2, 2014 (79 FR 18452)
 - 40 C.F.R. Part 60, Appendix A: February 27, 2014 (79 FR 11257)
 - 40 C.F.R. Part 61, Appendix B: October 17, 2000 (65 FR 62161)
 - 40 C.F.R. Part 63, Appendix A: December 29, 1992 (57 FR 62002)
- At 19.703(A):
 - 40 C.F.R. Part 60 Appendix B: February 27, 2014 (79 FR 11271)
 - 40 C.F.R. Part 60 Appendix F: February 27, 2014 (79 FR 11274)
 - 40 C.F.R. Part 51 Appendix P: November 7, 1986 (51 FR 40675)
- At 19.703(B): 40 C.F.R. Part 51, Appendix P, Section 4.0 (Minimum Data Requirements): November 7, 1986 (51 FR 40675)
- At 19.804(B): 40 C.F.R. § 60.8 February 27, 2014 (79 FR 11241)
- At 19.903(B)(6): October 25, 2012 (77 FR 65107)

ADEQ is also proposing to include language submitted during stakeholder discussions for this rulemaking. The proposed new section is located at Reg. 19.305, titled “NAAQS Air Quality Analysis for Issuance of Permits,” and outlines Department and source obligations and restrictions for permit analyses. Associated changes with this revision include the addition of definitions for “NAAQS state implementation plan,” for “State implementation plan,” and for “Emission increase” at Chapter 2. Additionally, at Reg. 19.407(C)(2), *De Minimis* Changes, language was revised to clarify the section by including reference to the proposed definition of “Emission increase.”

ADEQ is proposing to clarify language at Appendix A, within the introduction for Group A, to match permitting protocol. Also being proposed, for Group B number 76, is clarification of the existing language by adding references to federal rule.

ADEQ is proposing to clarify applicability of the NAAQS under Appendix B, by revising that column of the existing table.

Additional minor changes are being proposed for clarification and consistency, and to correct typographical errors throughout Regulation No. 19, and are non-substantive.

Adoption of the proposed revisions to Regulation No. 19 will bring state regulations into alignment with federal requirements, and allow the State to submit an approvable State Implementation Plan (SIP) related to PSD, thereby avoiding a Federal Implementation Plan (FIP). The proposed amendments to Regulation No. 19 will enable Arkansas to continue to permit emission sources in a way that is protective of the current NAAQS.