Pollution Control and Ecology Commission # 014.00-019

ARKANSAS POLLUTION CONTROL and ECOLOGY COMMISSION

RULE 19
RULES OF THE ARKANSAS PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL

INITIAL MARK-UP DRAFT

Submitted to the Arkansas Pollution Control and Ecology Commission
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EXHIBIT A

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CHAPTER 1: TITLE, INTENT, AND PURPOSE

Rule 19.101 Title

The following rules, adopted in accordance with the provisions of Subchapter 2 of the Arkansas Water and Air Pollution Control Act, Arkansas Code Annotated (Ark. Code Ann.) § 8-4-201 *et seq.*, shall be known as "Rules of the Arkansas Plan of Implementation of Air Pollution Control," hereinafter referred to as ~~the "Rules of the Plan," and~~ "Rule 19."

Rule 19.102 Applicability

These rules are applicable to any stationary source ~~which~~that has the potential to emit any federally regulated air pollutant.

Rule 19.103 Intent and Construction

(A) The purpose and intent of Rule 19, as amended, is to provide a clear delineation of those rules that are promulgated by the Commission in satisfaction of certain requirements of the ~~federal~~ Clean Air Act~~, 42 United States Code (U.S.C.) § 7401 *et seq.*, as of July 1, 1997~~, and the federal regulations stemming therefrom. Federal programs that the Division is responsible for administering include, but are not limited to, the attainment and maintenance of the ~~National Ambient Air Quality Standards~~ national ambient air quality standards (40 ~~Code of Federal Regulations [~~C.F.R.~~]~~ Part 50), certain delegated subparts of the ~~New Source Performance Standards~~ new source performance standards (40 C.F.R. Part 60), provisions designed for the ~~Prevention of Significant Deterioration~~ prevention of significant deterioration (40 C.F.R. § 52.21), minor new source review as described in Chapter 4 (40 C.F.R. Part 51), and certain delegated subparts of the ~~National Emission Standards for Hazardous Air Pollutants~~ national emission standards for hazardous air pollutants (40 C.F.R. Parts 61 and 63) ~~as of July 1, 1997~~. This subsection shall not be construed as limiting the future delegation of federal programs to the Division for administration.

(B) Rule 19, as amended, is further intended to limit the federal enforceability of its requirements to only those mandated by federal law. Rule 19, as amended, is also intended to facilitate a permit system for stationary sources within the State, which permit shall provide which provisions are federally enforceable and which provisions are state enforceable.

(C) Rule 19, as amended, presumes a single-permit system, encompassing both federal and state requirements. A regulated facility ~~which~~that is subject to permitting under Rule 19 shall be required to apply for and comply with only one permit, even though that permit

may contain conditions derived from the federal mandates contained in Rule 19, as well as conditions predicated solely on state law. Rule 19, through construction or implication, shall not support the conclusion that all conditions of a permit have become federally enforceable because the permit contains provisions derived from Rule 19. Permits or permit conditions issued under the authority of state law, or enforcement issues arising out of state law, shall not be federally enforceable.

(D) To the extent consistent with state law and efficient protection of the State's air quality, Rule 19 shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with federal mandates. Any applicable documents (e.g. "White Papers," regulatory preambles, or interpretive memoranda) issued by the EPA ~~which~~that are consistent with this policy and the legislative intent of state laws governing air pollution control (Ark. Code Ann. § 8-4-301 *et seq*.) are aids for construing the requirements of Rule 19. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this rule unless manifestly inconsistent with its substantive terms.

(E) Nothing in Rule 19 shall be construed as curtailing the Division's or Commission's authority under state law.

Rule 19.104 Severability

If any provision of Rule 19 is determined to be invalid, such invalidity shall not affect other provisions of Rule 19.

If federal legislation or a federal court stays, invalidates, delays the effective date of, or otherwise renders unenforceable, in whole or in part, EPA's regulation of greenhouse gases, then the provisions of Rule 19 concerning greenhouse gases based thereon shall be stayed and shall not be enforceable until such time as the Commission makes a final decision on whether or not to revise Rule 19 due to the federal legislation or federal court order.

Rule 19.105 Incorporation by Reference

Unless a contrary intent is expressly stated, any adoption or descriptive reference to a law or federal regulation shall be construed as though the reference law were set forth in Rule 19 line-by-line, word-for-word as it existed on the effective date of Rule 19.

CHAPTER 2: DEFINITIONS

Terms and phrases used in this rule ~~which~~that are not explicitly defined herein shall have the same meaning as those terms ~~which~~that are used in the ~~federal~~ Clean Air Act. For purposes of this rule:

~~**"12-month period"** means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.~~

"Actual emissions" means the quantity of federally regulated air pollutants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.

"Clean Air Act" means the federal Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*.

"CO_2 equivalent emissions" ~~(CO_2e) shall represent~~ means an amount of ~~GHGs~~greenhouse gases emitted, and shall be computed by multiplying the mass amount of emissions ~~tpy~~ in tons per year, for each of the six (6) greenhouse gases in the pollutant ~~GHGs~~ greenhouse gases, by the gas's associated global warming potential published at Table A-1 to Subpart A of 40 C.F.R. Part 98 – "Global Warming Potentials" ~~(which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948]),~~ and summing the resultant value for each to compute a ~~tpy~~ tons per year of CO_2 equivalent emissions. Table A-1 to Subpart A of 40 C.F.R. Part 98 is incorporated by reference as of January 1, 2015.

"Commission" means the Arkansas Pollution Control and Ecology Commission.

"Construction" means fabrication, erection, or installation of equipment. See also 40 C.F.R. § 60.2, 40 C.F.R. § 51.165, and 40 C.F.R. § 52.21.

"Control apparatus" means any device ~~which~~that prevents, controls, detects or records the emission of any federally regulated air pollutants.

"Division" means the Division of Environmental Quality, or its successor. When reference is made in this rule to actions taken by or with reference to the Division, the reference is to the staff of the Division acting at the direction of the Director.

"Director" means the Director of the Division of Environmental Quality, or its successor, acting directly or through the staff of the Division.

"Emission limitation" and **"emission standard"** mean a requirement established by the Division or the Administrator of the EPA ~~which~~that limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements ~~which~~that limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

"Emission unit" means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally regulated air pollutant.

"EPA" means the United States Environmental Protection Agency.

"Equipment" means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of a federally regulated air pollutant into the open air, and any stack, conduit, flue, duct, vent, or similar device connected or attached to or serving the equipment.

~~**"Federal Clean Air Act"** or **"Clean Air Act"** or **"FCAA"** or **"the Act"** means the federal Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*. and its implementing regulations as of the effective date of this rule.~~

"Federally regulated air pollutant" means the following:

(A) Nitrogen oxides or any volatile organic compounds;

(B) Any pollutant for which a ~~National Ambient Air Quality Standard~~ national ambient air quality standard has been promulgated;

(C) Except as provided in paragraph (E) of this definition, any pollutant that is subject to any standard promulgated under the Clean Air Act ~~42 U.S.C. § 7401, *et seq*.~~, as of the effective date of this rule;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, ~~42 U.S.C. § 7401, *et seq*. as amended as of July 1,1997~~ as of the effective date of Rule 19.

(E) ~~GHGs~~ Greenhouse gases, except that ~~GHGs~~ greenhouse gases shall not be a ~~Federally Regulated Air Pollutant~~ federally regulated air pollutant unless the ~~GHG~~ greenhouse gas emissions are:

(1) from a stationary source emitting or having the potential to emit seventy-five thousand (75,000) ~~tpy~~ tons per year or more of ~~CO_2e~~ CO_2 equivalent emissions ~~or more~~; and

(2) regulated under Chapter 9 of ~~this~~ Rule 19.

"Fugitive emissions" means those emissions ~~which~~that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Those emissions are those that, according to customary and good engineering practice, considering technological and economic feasibility, could not pass through a stack, chimney, vent or other functionally-equivalent opening, except that the Division will utilize the definition of fugitive emissions for those industries for which an approved EPA definition exist under federal law or regulation and ~~which~~that are meeting that law or regulation.

"Greenhouse gases" ~~(GHGs)~~ means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

"Hazardous ~~Air Pollutant~~air pollutant" ~~or "HAP"~~ means any air pollutant listed pursuant to § 112 of the Clean Air Act, ~~as amended, 42 U.S.C. § 7401, *et seq.*,~~ as of the effective date of this rule.

"Modification" means any physical change in, or change in the method of operation of, a stationary source ~~which~~that increases the emission rate of any federally regulated air pollutant over permitted rates or ~~which~~that results in the emission of a federally regulated air pollutant not previously emitted, except that:

(A) Routine maintenance, repair, and replacement shall not be considered a physical change, and

(B) The following shall not be considered a change in the method of operation:

(1) Any change in the production rate, if such change does not exceed the permitted operating capacity of the source;

(2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or

(3) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.

(C) *De Minimis* changes, as defined in Rule 19.407(C), and changes in ownership shall not be considered.

"National ~~Ambient Air Quality Standards~~ ambient air quality standards" ~~or "NAAQS,"~~ means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the

effective date of the federal final rule published by EPA in the Federal Register on October 26, 2015 (80 FR 65292), as set forth in Appendix B of Rule 19.

"~~NAAQS~~ National ambient air quality standards state implementation plan ~~or "NAAQS SIP"~~ (as defined by Ark. Code Ann. § 8-4-303) means a state implementation plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act~~, 42 U.S.C. § 7401 *et seq*.,~~ for the attainment and maintenance of a specified ~~NAAQS~~ national ambient air quality standard in each air quality control region or portion of an air quality control region within the state.

"Opacity" means the degree to which air emissions reduce the transmission of light and obscure the view of an object in the background.

"Operator" means any person who leases, operates, controls, or supervises any equipment affected by these rules.

"Owner" means any person who has legal or equitable title to any source, facility, or equipment affected by these rules.

"Part 70 source" means any stationary source subject to the permitting requirements of Rule 26.

"Particulate matter" ~~or "PM"~~ means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than one hundred (100) micrometers.

"Particulate matter emissions" means all particulate matter, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, specified in 40 C.F.R. Part 60 Appendix A as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257), or by a test method specified in these rules or any supplement thereto, with the exception of condensable particulate matter.

"Person" means any individual or other legal entity or their legal representative or assignee.

~~**"Plan"** means the Arkansas Plan of Implementation for Air Pollution Control~~.

"**$PM_{2.5}$"** means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2006 (71 FR 61226), or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.

"$PM_{2.5}$ emissions" means $PM_{2.5}$ emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in these rules or any supplement thereto.

"PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on August 7, 1987 (52 FR 29467), or by an equivalent method designated in accordance with 40 C.F.R. Part 53 as of December 8, 1984.

"PM_{10} emissions" means PM_{10} emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in these rules or any supplement thereto.

"Potential to emit" means the maximum capacity of a stationary source to emit a federally regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a federally regulated air pollutant, including, but not, limited to, air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable to the extent it is regulated by the ~~federal~~ Clean Air Act~~, 42 U.S.C. § 7401 *et seq*. as of February 15, 1999~~. Secondary air emissions do not count in determining the potential to emit of a stationary source.

"Responsible official" means one of the following:

(A) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative or such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(1) The facilities employ more than <u>two hundred fifty (</u>250<u>)</u> persons or have gross annual sales or expenditures exceeding ~~$25~~<u>twenty-five</u> million <u>dollars ($25,000,000 (</u>~~(~~in second quarter 1980 United States dollars); or

(2) The delegation of authority to such representative is approved in advance by the Division;

(B) For partnership or sole proprietorship: a general partner or the proprietor, respectively;

(C) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(D) For acid rain sources:

(1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated thereunder are concerned; and

(2) The designated representative for any other purposes under Part 70.

"Rule 8" means Arkansas Pollution Control and Ecology Commission Regulation No. 8 until it is amended to replace the term "regulation" with "rule." After that time, Rule 8 means Arkansas Pollution Control and Ecology Commission Rule 8.

"Rule 18" means Arkansas Pollution Control and Ecology Commission Regulation No. 18, until it is amended to replace the term "regulation" with "rule." After that time, Rule 18 means Arkansas Pollution Control and Ecology Commission Rule 18.

"Rule 26" means Arkansas Pollution Control and Ecology Commission Regulation No. 26, until it is amended to replace the term "regulation" with "rule." After that time, Rule 26 means Arkansas Pollution Control and Ecology Commission Rule 26.

"Secondary emissions" means those emissions of federally regulated air pollutants ~~which~~that, although associated with a source, are not emitted from the source itself.

"Shutdown" means the cessation of operation of equipment.

"Startup" means the setting in operation of equipment.

"State implementation plan" ~~or "SIP"~~ (as defined at Ark. Code Ann. § 8-4-303), means a plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act, ~~42 U.S.C. § 7401 *et seq*.,~~ and that is developed by the Division and submitted to the EPA for review and approval.

"Stationary source" means any building, structure, facility, or installation ~~which~~that emits or may emit any federally regulated air pollutant.

"Title I modification" means any modification as defined under any regulation promulgated pursuant to Title I of the ~~federal~~ Clean Air Act. *De minimis* changes under Rule 19, changes to state only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.

"**Twelve-month period**" means a period of twelve (12) consecutive months determined on a rolling basis with a new twelve-month period beginning on the first day of each calendar month.

"Volatile organic compounds" ~~or "VOC"~~ means any compound of carbon;~~,~~ excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate ;~~,~~ ~~which~~that participates in atmospheric photochemical reactions.

(A) This includes any ~~such~~ organic compound other than the following, which have been determined to have negligible photochemical reactivity:

acetone;
methane;
ethane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
tetrachloroethylene (perchloroethylene);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (HCFC-22);
trifluoromethane (HFC-23);
1,2-dichloro 1,1, 2,2-tetrafluoroethane (CFC-114);
chloropentafluoroethane (CFC-115);
1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1-dichloro 1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);

pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-143a);
1,1-difluoroethane (HFC-152a);
parachlorobenzotrifluoride (PCBTF);
cyclic, branched, or linear completely methylated siloxanes;
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
difluoromethane (HFC-32);
fluoroethane ~~ethylfluoride~~ (ethyl fluoride or HFC-161);
1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
1,1,2,2,3-pentafluoropropane (HFC-245ca);
1,1,2,3,3-pentafluoropropane (HFC 245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb);
1,1,1,3,3-pentafluoropropane (HFC-245fa);
1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
1,1,1,3,3-pentafluorobutane (HFC-365mfc);
chlorofluoromethane (HCFC-31);
1-chloro-1-fluoroethane (HCFC-151a);
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE-7100);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCF_2OCH_3$);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE 7200);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCF_2OC_2H_5$);
methyl acetate;
1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ or HFE-7000);
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane
(HFE-7500);
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
methyl formate ($HCOOCH_3$);

1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
propylene carbonate;
dimethyl carbonate;
~~trans-1,3,3,3-tetrafluoropropene~~ (1*E*)-1,3,3,3-tetrafluoroprop-1-ene (HFO-1234ze);
HCF_2OCF_2H (HFE-134);
$HCF_2OCF_2OCF_2H$ (HFE-236cal2);
$HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13);
$HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 [or 150 or 180]);
~~trans-1-chloro-3,3,3-triflouroprop-1-ene~~ (1*E*)-1-chloro-3,3,3-trifluoroprop-1-ene;
2,3,3,3-tetraflouropropene;
2-amino-2-methyl-1-propanol;
t-butyl acetate;
cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mz-Z); and
perfluorocarbon compounds ~~which~~that fall into these classes:

(1) ~~cyclic,~~ Cyclic, branched, or linear, completely fluorinated alkanes;

(2) ~~cyclic,~~ Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(3) ~~cyclic,~~ Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(4) ~~sulfur-~~ Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(B) For purposes of determining compliance with emission limits, ~~VOC~~ volatile organic compounds ~~will be~~ are measured by the test methods in the approved ~~State Implementation Plan (SIP)~~ state implementation plan or 40 C.F.R. Part 60, Appendix A, ~~as of July 1, 1997,~~ as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as ~~VOC~~ volatile organic compounds if the amount of ~~the~~ such compounds is accurately quantified, and such exclusion is approved by the Division.

(C) As a precondition to excluding these compounds as ~~VOC~~ volatile organic compounds or at any time thereafter, the Division may require an owner or operator of a stationary source to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Division, the amount of negligibly-reactive compounds in the ~~source's~~ emissions from the stationary source.

(D) [RESERVED]~~The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.~~

CHAPTER 3: PROTECTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS

Rule 19.301 Purpose

The purpose of this chapter is to state the responsibilities of the Division and regulated sources in meeting and maintaining the ~~NAAQS~~ national ambient air quality standards. If any area of the state is determined to be in violation of the ~~NAAQS~~ national ambient air quality standards, all applicable requirements contained in the Clean Air Act, as amended, and all regulations promulgated thereto shall be met by the Division.

Rule 19.302 Division Responsibilities

The Division shall be responsible for taking the following precautions to prevent the ~~NAAQS~~ national ambient air quality standards from being exceeded:

(A) Ambient air monitoring in any area that can reasonably be expected to be in excess of the ~~NAAQS~~ national ambient air quality standards.

(B) Computer modeling of regulated air pollutant emissions for any area that can reasonably be expected to be in excess of the ~~NAAQS~~ national ambient air quality standards, and review of the ambient air impacts of any new or modified source of federally regulated air emission that is the subject of the requirements of this Plan. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the ~~NAAQS~~ national ambient air quality standards.

Rule 19.303 Regulated Sources Responsibilities

Any source subject to the provisions of ~~this Plan~~ Rule 19 shall be responsible for taking the following precautions to prevent the ~~NAAQS~~ national ambient air quality standards from being exceeded:

(A) When required by law or this rule, obtaining a permit from the Division prior to construction of a new source of federally regulated air pollutant emissions or prior to the modification of an existing source of air emissions.

(B) Operating equipment in such a manner as to meet any applicable permit requirement or any applicable rules.

(C) Repairing malfunctioning equipment and pollution control equipment as quickly as possible. If the malfunctioning equipment is causing, or contributing to, a violation of the ~~NAAQS~~ national ambient air quality standards, as determined by computer modeling, the source is responsible for ceasing operations of the affected equipment until such time that it is repaired.

Rule 19.304 Delegated Federal Programs

Sources subject to this rule shall also comply with all Federal programs that the Division is responsible for administering including certain delegated subparts of the ~~New Source Performance Standards~~ new source performance standards (40 C.F.R. Part 60), provisions designed for the ~~Prevention of Significant Deterioration~~ prevention of significant deterioration (40 C.F.R. § 52.21), and certain delegated subparts of the ~~National Emissions Standards for Hazardous Air Pollutants~~ national emission standards for hazardous air pollutants (40 C.F.R. Parts 61 and 63~~, which were promulgated as of January 27, 2006~~. These delegated subparts only apply to major sources. (There are subparts that apply to minor sources, but the Division has not requested delegation of them as of April 28, 2006.)

CHAPTER 4: MINOR SOURCE REVIEW

Rule 19.401 General Applicability

No person shall cause or permit the operation, construction, or modification of a stationary source, whose actual emissions are:

Seventy-five (75) tons per year or more of carbon monoxide;

Forty (40) tons per year or more of nitrogen oxides;

Forty (40) tons per year or more of sulfur dioxide;

Forty (40) tons per year or more of volatile organic compounds;

Ten (10) tons per year or more of direct $PM_{2.5}$;

Fifteen (15) tons per year or more of PM_{10};

One-half (0.5) ton per year or more of lead;

Two (2) tons per year or more of any single hazardous air pollutant; or

Five (5) tons per year or more of any combination of hazardous air pollutants

without first obtaining a permit from the Division pursuant to the provisions of this chapter.

Rule 19.402 Approval Criteria

No permit shall be granted or modified under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Division that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this rule or without interfering with the attainment or maintenance of a national ambient air quality standard.

Rule 19.403 Owner/Operator's Responsibilities

Issuance of a permit by the Division does not affect the responsibility of the owner/operator to comply with applicable portions of this rule.

Rule 19.404 Required Information

(A) General

Application for a permit shall be made on such forms and contain such information as the Division may reasonably require, including but not limited to:

(1) information on the nature and amounts of federally regulated air pollutants to be emitted by the stationary source; and

(2) such information on the location, design, and operation of stationary source as the Division may reasonably require.

(B) Duty to Supplement Submittal

If, while processing an application that has been determined to be complete, the Division determines that additional information is necessary to evaluate or take final action on that application, the Division may request such information in writing and set a reasonable deadline for a response.

(C) Duty to Correct Submittal

Any owner/operator who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any relevant requirements that become applicable to the stationary source before final action is taken on its application.

Rule 19.405 Action on Application

(A) Technical Review

The Division will review the application submitted under this chapter in order to ensure to their reasonable satisfaction that:

(1) the stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a national ambient air quality standard;

(2) the stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the EPA pursuant to §§ 111, 112, and 114 of the Clean Air Act as amended;

(3) the stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this rule;

(4) the emission rate calculations are complete and accurate; and

(5) if the facility wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process ~~which~~that will be used to ensure that the calculations are translated into enforceable limits on operational parameters rather than emissions.

(B) Proposed Action

(1) If the Division initially determines the requirements of Rule 19.405(A) are met, they shall prepare a draft permit ~~which~~that:

(a) contains such conditions as are necessary to comply with this Rule; and

(b) addresses all federally regulated air pollutant emissions and all federally regulated air pollutant emitting equipment at the stationary source except pollutants or equipment specifically exempt. ~~or as specifically provided for in paragraph (c) below; and~~

~~(c) establishes Best Available Control Technology (BACT) permitted emission rates, emission limitations or other enforceable conditions for GHG emissions pursuant to Chapter 9 of this Rule, if applicable. Draft permits for facilities not subject to a (BACT) determination in regard to GHG emissions pursuant to the provisions at Chapter 9 of this Rule shall not contain permitted emission rates, emission limitations or other enforceable conditions related to GHG emissions. However, the applicant may request that the Division include permitted emission rates, emission limitations or other enforceable conditions related to GHG emissions in the draft permit in order to set enforceable limits for the purpose of establishing synthetic minor status. In the event any provision of Rule 19 is found to be in conflict with this Section 19.405(B)(1), this Section shall take precedence.~~

(2) If the Division initially determines the requirements of this chapter are not met, they shall prepare a notice of intent to deny. This notice will state the reasons for the Division's denial of the stationary source's submittal.

(3) Except as provided in Rule 19.407, the public shall have an opportunity to comment on the Division's proposed permit decision in accordance with Rule 19.406.

(4) Within ninety (90) days of receipt by the Division of an initial permit application, or an application for a major modification ~~which~~that contains such information as required by the Division (unless said period is extended by mutual agreement between the Division and the applicant), the Division shall notify the applicant in writing of its draft permitting decision. If the Division fails to take action of the application within the prescribed time frames, the aggrieved applicant may petition the Commission for relief from Division inaction. The Commission shall either grant or deny the petition within forty-five (45) days of its submittal.

(C) Final Action

The Division shall take final action on a permit application after the close of the public comment period. The Division shall notify in writing the owner/operator and any person that submitted a written comment, of the Division's final action and the Division's reasons for its final action.

Rule 19.406 Public Participation

(A) General

No permit shall be issued, denied, or modified unless the public has first had an opportunity to comment on the information submitted by the owner/operator and the Division's analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality, including the Division's proposed approval or disapproval of the permit.

(B) Public Availability of Information

For purposes of this section, opportunity to comment shall include, at a minimum:

(1) Availability for the public inspection in at least one location in the area where the source is located, or proposes to locate, and in the Division's central offices of the Division's draft decision, information submitted by the owner/operator, and any information developed by the Division in support of its draft permit decision;

(2) A ~~30~~thirty-day period for submittal of public comment (beginning on the date of the latest newspaper notice, ending on the date thirty [30] days later);

(3) A publication in a newspaper of general circulation in the area where the source is located or proposes to locate, and in a State publication designed to give general public notice. Such notice shall, as a minimum, describe the locations at which the information submitted by the owner/operator and the Division's analysis of this information, may be inspected and the procedure for submitting public comment;

(4) A copy of the notice, required pursuant to this subsection, shall be sent to the owner/operator and to the:

(a) Regional Administrator of the EPA;

(b) mayor of the community where the stationary source is proposed to be constructed or modified;

(c) county judge of the county where the equipment is proposed to be constructed or modified; and

(d) appropriate air pollution control agencies of adjoining states if the construction or modification of the source will impact air quality in adjoining states.

(5) Public comments addressing the technical merits of the permit application and the Division's analysis of the effect of the proposed emissions on air quality submitted in accordance with procedures in the public notice shall be considered by the Division prior to taking final action on the permit application.

Rule 19.407 Permit Amendments

(A) Administrative Permit Amendments

(1) An administrative permit amendment is a permit revision that:

(a) corrects a typographical error;

(b) identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change in the source;

(c) requires more frequent monitoring or reporting by the permittee;

(d) incorporates a change in the permit involving the retiring of equipment or emission units, or the decrease of permitted emissions from equipment or emission units; or

(e) incorporates a change to the facility's insignificant activities list.

(2) The Division shall revise the permit as expeditiously as practicable and may incorporate such revisions without providing notice to the public.

(3) The applicant may implement the changes addressed in the request for an administrative amendment immediately upon approval.

(B) Change in Ownership

(1) Permits issued under this rule shall remain freely transferable, provided the applicant for the transfer:

(a) notifies the Director at least thirty (30) days in advance of the proposed transfer date on such forms as the Director may reasonably require, and

(b) submits a disclosure statement ~~in accordance with Commission Rule 8, Administrative Procedures~~, or other such documents as required by the Division.

(i) The disclosure statement shall include but not be limited to the following information:

(aa) The full name, business address, and social security number or tax i.d. number of the applicant and all affiliated persons;

(bb) The full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations within the state;

(cc) A description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to environmental regulation;

(dd) A listing and explanation of any civil or criminal legal actions by government agencies involving environmental protection laws or regulations against the applicant and affiliated persons in the ten (10) years immediately preceding the filing of the application, including administrative enforcement actions resulting in the imposition of sanctions, permit or license revocations or denials issued by any state or federal authority, actions that

have resulted in a finding or a settlement of a violation, and actions that are pending;

(ee) A listing of any federal environmental agency and any other environmental agency outside this state that has or has had regulatory responsibility over the applicant;

(ff) Any other information the Director may require that relates to the competency, reliability, or responsibility of the applicant and affiliated persons.

(ii) The following persons or entities are not required to file a disclosure statement:

(aa) Governmental entities, consisting only of subdivisions or agencies of the federal government, agencies of the state government, counties, municipalities, or duly authorized regional solid waste authorities as defined by law. This exemption shall not extend to improvement districts or any other subdivision of government which is not specifically instituted by an act of the General Assembly;

(bb) Applicants for a general permit to be issued by the Department pursuant to its authority to implement the National Pollutant Discharge Elimination System for storm water discharge or any other person or entity the Commission may by rule exempt from the submission of a disclosure statement.

(cc) Nothing in this section, including the exemptions listed herein, shall be construed as a limitation upon the authority of the director to deny a permit based upon a history of noncompliance to any applicant or for other just cause.

(dd) Any applicant that is a publicly held company required to file periodic reports under the Securities and Exchange Act of 1934, or a wholly owned subsidiary of a publicly held company, shall not be required to submit a disclosure statement, but shall submit the most recent annual and quarterly reports required by the Securities and Exchange

Commission which provide information regarding legal proceedings in which the applicant has been involved. The applicant shall submit such other information as the Director may require that relates to the competency, reliability, or responsibility or the applicant and affiliated persons.

(2) The Director may deny the issuance or transfer of any permit, license, certification, or operational authority if he or she finds, based upon the disclosure statement and other investigation ~~which~~that he or she deems appropriate, that:

(a) The applicant has a history of non-compliance with the environmental laws or rules of this state or any other jurisdiction;

(b) An applicant ~~which~~who owns or operates other facilities in the state is not in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, the environmental laws or rules of this state; or

(c) A person with a history of non-compliance with environmental laws or rules of this state or any other jurisdiction is affiliated with the applicant to the extent of being capable of significantly influencing the practices or operations of the applicant ~~which~~that could have an impact upon the environment.

(3) Public notice requirements shall not apply to changes in ownership or changes in name.

(4) Denial of a permit transfer shall constitute a final permitting decision of the Director and may be appealed to the Commission.

(C) *De Minimis* Changes

(1) A proposed change to a facility will be considered *De Minimis* if:

(a) minimal judgment is required to establish the permit requirements for the change; and

(b) the change will result in a trivial environmental impact.

(2) The environmental impact of a proposed change generally will be considered trivial if the emission increase, based on the differences between the sum of the

proposed permitted rates for all emissions units and the sum of previously permitted emission rates for all units will either:

(a) be less than the following amounts:

i. Seventy-five (75) tons per year of carbon monoxide;

ii. Forty (40) tons per year of nitrogen dioxides, sulfur dioxides, or volatile organic compounds;

iii. Twenty-five (25) tons per year of particulate matter emissions;

iv. Ten (10) tons per year of direct $PM_{2.5}$;

v. Fifteen (15) tons per year of PM_{10} emissions; and

vi. One-half (0.5) a ton per year of lead;

(b) or, result in an air quality impact less than:

Pollutant	*De Minimis* Concentration	Averaging Time
carbon monoxide	Five hundred (500) micrograms per cubic meter ~~µg/m^3~~	~~8-hour~~ Eight-hour
nitrogen dioxide	Ten (10) micrograms per cubic meter ~~µg/m^3~~	~~annual~~ Annual
$PM_{2.5}$	Two (2) micrograms per cubic meter ~~µg/m^3~~	~~24-hour~~Twenty-four-hour
PM_{10}	Eight (8) micrograms per cubic meter ~~µg/m^3~~	~~24-hour~~Twenty-four-hour

sulfur dioxide	Eighteen (18) micrograms per cubic meter ~~µg/m^3~~	~~24-hour~~Twenty-four-hour
lead	One-tenth (0.1) micrograms per cubic meter ~~µg/m^3~~	~~3-month~~ Three-month

(3) [RESERVED]~~A proposed change will be considered *De Minimis* if the increases are less than 75,000 tpy of CO_2e and other pollutant emission increases otherwise qualify as *De Minimis* under this section.~~

(4) The following changes will not be considered *De Minimis* changes:

(a) any increase in the permitted emission rate at a stationary source without a corresponding physical change or change in the method of operation at the source;

(b) any change ~~which~~that would result in a violation of the Clean Air Act;

(c) any change seeking to change a case-by-case determination of an emission limitation established pursuant to Best Available Control Technology ~~(BACT)~~, §112(g), §112(i)(5), §112(j), or §111(d) of the Clean Air Act ~~as amended as of February 15, 1999~~;

(d) a change that would result in a violation of any provision of this rule;

(e) any change in a permit term, condition, or limit that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;

(f) any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or

(g) any proposed change ~~which~~that requires more than minimal judgment to determine eligibility.

(5) A source may not submit multiple applications for *De Minimis* changes that are designed to conceal a larger modification that would not be considered a *De Minimis* change. The Division will require such multiple applications be

processed as a permit modification with public notice and reconstruction requirements. Deliberate misrepresentation may be grounds for permit revocation.

(6) The applicant may implement *De Minimis* changes immediately upon approval by the Division.

(7) The Division shall revise the permit as expeditiously as practicable and may incorporate *De Minimis* changes without providing notice to the public. The applicant may implement *De Minimis* changes immediately upon approval by the Division.

Rule 19.408 Exemption from Permitting

(A) Insignificant Activities

Stationary sources and activities listed in Appendix A of this rule shall be considered to be insignificant and will not require a permit under this chapter or be included in a source's permit.

(B) Grandfathering

Stationary sources operating prior to June 30, 1975~~,~~ and ~~which~~that have not been modified since, will not be required to obtain a permit under this chapter.

Rule 19.409 ~~Transition~~[RESERVED]

~~Facilities which are now subject to this rule which were not previously subject to this rule shall be in full compliance within 180 days of the effective date of this rule. Facilities which are now subject to permitting under this rule which were not previously subject to permitting under this rule shall submit a complete application within 180 days of the effective date of this rule. The Director may extend this compliance period on a case-by-case basis provided that the total compliance period does not exceed one year.~~

Rule 19.410 Permit Revocation and Cancellation

(A) Revocation

Any permit issued under this rule is subject to revocation, suspension, or modification in whole or in part, for cause, including without limitation:

(1) Violation of any condition of the permit;

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or

(3) Change in any applicable rule or change in any pre-existing condition affecting the nature of the emission that requires either a temporary or permanent reduction or elimination of the permitted emission.

(B) Cancellation

The Director may cancel a permit if the construction or modification is not begun within eighteen (18) months from the date of the permit issuance or if the work involved in the construction or modification is suspended for a total of eighteen (18) months or more.

Rule 19.411 General Permits

(A) General Authority

The Division may, after notice and opportunity for public participation provided under this chapter, issue a general permit covering numerous similar sources. The criteria for the review and approval of permits under this chapter shall be used for general permits as well. Any general permit shall comply with all requirements applicable to other permits and shall identify criteria by which sources may qualify for the general permit. They shall also include enforceable emission limitations or other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this rule. To sources that qualify, the Division shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit.

(B) Application

Sources that would qualify for a general permit must apply to the Division for coverage under the terms of the general permit or must apply for permit consistent with this chapter. The Division may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

(1) When any application for the issuance of a new permit or a modification of an existing permit is filed with the Division, the Division shall cause notice of the application to be published in a newspaper of general circulation in the county in which the proposed facility is to be located.

(2) The notice required by Rule 19.411(B)(1) shall advise that any interested person may request a public hearing on the permit application by giving the Division a written request within ten (10) days of the publication of the notice.

(3) Should a hearing be deemed necessary by the Division, or in the event the Division desires such a hearing, the Division shall schedule a public hearing and shall, by first class mail, notify the applicant and all persons who have submitted comments of the date, time, and place thereof.

Rule 19.412 Dispersion Modeling

The following shall apply when dispersion or other air quality modeling is used to meet the requirements of this chapter.

(A) General

All applications of air quality modeling involved in this chapter shall be based on the applicable models, data bases, and other requirements specified in Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models) ~~as of the effective date of the federal final rule published by EPA in the Federal Register on November 9, 2005 (70 FR 68228)~~.

(B) Substitution

Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific pollutant or type of stationary source. Written approval of the Administrator of the EPA must be obtained for any modification or substitution.

Rule 19.413 Confidentiality

Information ~~which~~that constitutes a trade secret shall be held confidential and segregated from the public files of the Division if requested in writing by the permit applicant in accordance with this subsection.

(A) For purposes of this subsection, "Trade Secret" means any information, including formula, pattern, compilation, program, device, method, technique, process, or rate of production that:

(1) Derives independent economic value (actual or potential) from not being generally known to, and not being readily ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use, and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(B) In order to establish entitlement to confidentiality, the applicant must submit a sworn affidavit to the Division that is subject to public scrutiny ~~which~~that describes in a manner that does not reveal trade secrets, the processes or market conditions that supports the applicant's confidentiality claim in the terms of Rule 19.413(A)(1) and (2). This affidavit must also recite the following:

> "The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Division's denial of public access to the documents or information claimed herein to be a trade secret."

If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, it may submit an omnibus affidavit establishing the prerequisites of Rule 19.413(A)(1) and (2) and reference this document in future confidentiality claims.

(C) Confidentiality claims shall be afforded interim protected status until the Division determines whether the requirements of Rule 19.413(B) are satisfied. The Division shall make such determination prior to the issuance of any permit or publication of any draft permit. In the event the Division does not make such determination prior to permit issuance, the information shall be deemed confidential until a request is made. If a third party request to review information claimed as confidential is received before the Division provides its written determination concerning the claim, the Division shall not release such information before notifying the applicant of the request. The Division shall notify the applicant of the request and the Division's determination on the confidentiality claim at least two (2) business days before releasing the information, at which time the applicant may choose to supplement its affidavit supporting confidentiality or seek legal recourse.

(D) For any permit application submitted subject to a claim of trade secret, the applicant shall provide two (2) copies of the application; one (1) prominently marked as confidential and another that is subject to public review with confidential information excised. The Division will not accept applications that are deemed totally confidential except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.

Rule 19.414 Operational Flexibility-Applicant's Duty to Apply for Alternative Scenarios

~~Any operating scenario allowed for in a permit may be implemented by the facility without the need for any permit revision or any notification to the Division. It is incumbent upon the~~ The

permit applicant ~~to~~ shall apply for any reasonably anticipated alternative ~~facility~~ stationary source operating scenarios at the time of permit application. The Division shall include approved alternative operating scenarios in the permit. The permittee may implement any operating scenario allowed in the permit without the need for a permit revision or notification to the Division.

Rule 19.415 Changes Resulting in No Emissions Increases

(A) A ~~permitted source~~ permittee may make a change ~~changes within the facility~~ to a stationary source that contravenes permit terms without a permit revision if the change ~~changes~~:

~~(A)~~(1) ~~Are~~ Is not a Title I modification ~~modifications under any provision of Title I of the Act~~;

~~(B)~~(2) ~~Do~~ Does not exceed emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions);

~~(C)~~(3) ~~Do~~ Does not violate applicable requirements; and

~~(D)~~(4) ~~Do~~ Does not ~~contravene~~ violate federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements~~;~~.

(B) ~~provided that the~~ The permittee shall provide written notice to ~~provides~~ the Division ~~with written notification as required below in advance of the proposed changes, which shall be a minimum of~~ at least seven (7) days prior to implementing the proposed changes allowed under Rule 19.415(A), or such shorter time frame that the Division allows for emergencies.

(C) The ~~source~~ permittee and the Division shall attach each such notice pursuant to Rule 19.415(B) to their copy of the relevant permit. For each such change, the written ~~notification required above~~ notice shall include:

(1) ~~a~~ A brief description of the change ~~within~~ to the permitted ~~facility~~ stationary source;~~,~~

(2) ~~the~~ The date ~~on which~~ the change will occur;~~,~~

(3) ~~any~~ Any change in emissions~~;~~, and

(4) ~~any~~ Any permit term or condition that is no longer applicable as a result of the change.

Rule 19.416 Permit Flexibility

(A) The Division may grant an extension to any testing, compliance, or other ~~dates~~ date in the permit. No extensions shall be authorized until the permittee of the ~~facility~~ stationary source receives written approval from the Division. The Division may grant such a request, at its discretion, in the following circumstances:

(1) The permittee of the ~~facility~~ stationary source makes such a request in writing at least fifteen (15) days in advance of the deadline specified in the ~~facility's~~ stationary source's permit;

(2) The extension does not violate a federal requirement;

(3) The permittee of the ~~facility~~ stationary source demonstrates the need for the extension; and

(4) The permittee of the ~~facility~~ stationary source documents that all reasonable measures have been taken to meet the current deadline and documents reasons the current deadline cannot be met.

(B) The Division may grant a request to allow temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement, or other limit in a ~~facility's~~ stationary source's permit. No such activities shall be authorized until the permittee of the ~~facility~~ stationary source receives written approval from the Division. The Division may grant such a request, at its discretion, in the following circumstances:

(1) The permittee of the ~~facility~~ stationary source makes such a request in writing at least thirty (30) days in advance of the date that temporary emissions and/or testing ~~that~~ would otherwise exceed a permitted emission rate, throughput requirement, or other limit in a ~~facility's~~ stationary source's permit;

(2) ~~such~~ Such a request does not violate a federal requirement;

(3) ~~such~~ Such a request is temporary in nature;

(4) ~~such~~ Such a request will not result in a condition of air pollution as defined in Chapter 2 of Rule 18;

(5) The request contains such information necessary for the Division to evaluate the request, including ~~but not limited to~~ without limitation, quantification of such emissions and the date and time such emission will occur;

(6) ~~such~~ Such a request will result in increased emissions less than five (5) tons of any individual criteria pollutant, one (1) ton of any single ~~HAP~~ hazardous air pollutant and two and one-half (2.5) tons of total ~~HAPs~~ hazardous air pollutants; and

(7) The permittee of the ~~facility~~ stationary source maintains records of the dates and results of such temporary emissions and/or testing.

(C) The Division may grant a request to allow an alternative to the monitoring specified in a ~~facility's~~ stationary source's ~~operating~~ permit. No such activities shall be authorized until the permittee of the ~~facility~~ stationary source receives written approval from the Division. The Division may grant such a request, at its discretion, in the following circumstances:

(1) The permittee operator of the ~~facility~~ stationary source makes such a request in writing at least thirty (30) days in advance of the first date that the monitoring alternative will be used ~~at the facility~~;

(2) Such a request does not violate a federal requirement;

(3) The monitoring alternative provides an equivalent or greater degree of actual monitoring to the requirements in the ~~facility's~~ stationary source's ~~operating~~ permit; and

(4) Any such request for an alternative monitoring method, if approved by the Division, is incorporated into the next permit modification application by the permittee of the ~~facility~~ stationary source.

Rule 19.417 Registration

(A) Sources currently holding permits issued pursuant to Rule 19 but whose emissions are below the permitting thresholds of Rule 19.401, and above the registration thresholds of Rule 18.315 may elect to continue to operate under their existing Rule 19 permit or they may submit a registration under Rule 18.315 and request their Rule 19 permit to be terminated. The Rule 19 permit shall remain in effect until terminated. If a source takes no action, the Rule 19 permit shall remain in effect.

(B) A source otherwise subject to registration under Rule 18.315 may elect to instead operate under a permit issued in accordance with Rule 19.402.

CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT

Rule 19.501 Purpose

The purpose of this chapter is to define the general federally regulated air pollutant emissions limitations applicable to all equipment subject to ~~the Plan~~Rule 19. Stricter specific limitations may be required in applicable permits if such limitations are necessary to comply with federal law or regulations ~~which~~that are in effect as of the effective date of this rule.

Rule 19.502 General Rules

No person shall cause or permit the construction or modification of equipment ~~which~~that would cause or allow the following standards or limitations to be exceeded:

(A) Any ~~National Ambient Air Quality Standard~~ national ambient air quality standard as defined herein;

(B) Any ambient air increment pursuant to Chapter 9 of this Rule;

(C) Any applicable emission limitation promulgated by the EPA; or

(D) Any applicable emission limitation promulgated by the Division in this rule.

Rule 19.503 Visible Emission Rules

(A) No person shall cause or permit visible emissions (other than uncombined water vapor) from equipment identified hereunder and ~~which~~that was installed and in operation, or for which a permit had been issued by the Division prior to January 30, 1972, to exceed the following limitations:

(1) Emissions shall not exceed forty percent (40%) opacity, except that emissions greater than forty percent (40%) opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive ~~60~~ sixty-minute period, provided such emissions will not be permitted more than three (3) times during any ~~24~~twenty-four-hour period.

(B) No person shall cause or permit visible emissions (other than uncombined water vapor) from new equipment identified hereunder ~~which~~that was installed or permitted by the Division after January 30, 1972, to exceed the following limitations or to exceed any applicable visible emission limitations of the ~~New Source Performance Standards~~ new source performance standards promulgated by the EPA:

(1) For incinerators and fuel burning equipment, exclusively, emissions shall not exceed twenty percent (20%) opacity except that emissions greater than twenty percent (20%) opacity but not exceeding sixty percent (60%) opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive ~~60-~~ sixty-minute period, provided such emissions will not be permitted more than three (3) times during any ~~24~~twenty-four-hour period.

(2) For equipment used in a manufacturing process, emissions shall not exceed twenty percent (20%).

(C) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A).

Rule 19.504 Stack Height/Dispersion Rules

The stack height provisions of 40 C.F.R. § 51.118 are incorporated by reference. The definition of "stack," "a stack in existence," "dispersion technique," "good engineering practice," "nearby," and "excessive concentration" are defined in 40 C.F.R. §§ 51.100 (ff) through (kk) are incorporated into this chapter by reference ~~as of September 12, 1986~~.

Rule 19.505 Revised Emissions Limitation

The emissions limitations contained within ~~the Plan~~ Rule 19 and applicable permits are for the purpose of assuring the attainment and maintenance of the ~~NAAQS~~ national ambient air quality standards and have been established within the framework of information presently available to the Division. As additional and more precise information becomes available, the emission limitations and reporting procedures of this chapter may be amended as described below:

(A) More restrictive limitations to protect the ~~NAAQS~~ national ambient air quality standards. In accordance with the provisions of the federal Clean Air Act, as amended, and the federal regulations promulgated pursuant to the Clean Air Act, as amended, the emission limitations and reporting procedures of this chapter or any applicable permits may be further amended and made more restrictive where the Director finds more restrictive measures are necessary to assure maintenance of the ~~NAAQS~~ national ambient air quality standards.

(B) Less restrictive limitations. Any person subject to the emission limitations contained in ~~this Plan~~ Rule 19 or in a permit may petition the Director for a less stringent limitation on the grounds that the existing limitation cannot be met when considering physical, economical, or technological constraints. In no case shall the Director approve a less stringent limitation if it would cause a violation of the ~~NAAQS~~ national ambient air

quality standards. The Director shall not approve a less stringent limitation if it violates a federal emission standard or regulation, unless approved according to applicable federal regulations.

The Director shall take into account the following factors when making such determinations:

(1) The process, fuels, and raw materials available and to be employed in the facility involved;

(2) The engineering aspects of the application of various types of control techniques ~~which~~that have been adequately demonstrated;

(3) Process and fuel changes;

(4) The respective costs of the application of all such control techniques, process changes, alternative fuels, etc.; and

(5) Locational and siting considerations.

(C) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(D) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

CHAPTER 6: UPSET AND EMERGENCY CONDITIONS

Rule 19.601 Upset Conditions

For purposes of ~~this paragraph~~Chapter 6 of Rule 19, "upset condition" shall be defined as exceedences of applicable emission limitations lasting thirty (30) or more minutes, in the aggregate, during a ~~24~~twenty-four-hour period, unless otherwise specified in an applicable permit or rule (such as ~~New Source Performance Standards~~ ~~[NSPS] regulations~~ new source performance standards). All upset conditions, resulting in violation of an applicable permit or rule, shall be reported to the Division. Any source exceeding an emission limit established by ~~the Plan~~ Rule 19 or applicable permit shall be deemed in violation of ~~said Plan~~ Rule 19 or permit and shall be subject to enforcement action. The Division may forego enforcement action for federally regulated air pollutant emissions given that the person responsible for the source of the excess emissions does the following:

(A) Demonstrates to the satisfaction of the Division that the emissions resulted from:

(1) equipment malfunction or upset and are not the result of negligence or improper maintenance; or

(2) physical constraints on the ability of a source to comply with the emission standard, limitation or rate during startup or shutdown;

And that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions.

(B) Reports such occurrence or upset or breakdown of equipment to the Division by the end of the next business day after the discovery of the occurrence.

(C) Submits to the Division, at its request, a full report of such occurrence, including the identification of and location of the process and control equipment involved in the upset and including a statement of all known causes and the scheduling and nature of the actions to be taken to eliminate future occurrences or to minimize the amount by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.

Rule 19.602 Emergency Conditions

An "emergency" means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the source, including natural disasters, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a

technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include non-compliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(A) An emergency constitutes a complete affirmative defense to an action brought for non-compliance with such technology-based limitations if the following conditions are met. The affirmative defense of emergency shall demonstrate through properly signed contemporaneous operating logs, or such other relevant evidence that:

(1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(2) The permitted facility was at the time being properly operated;

(3) During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The permittee submitted notice of the upset to the Division by the end of the next business day after the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(B) [RESERVED]

CHAPTER 7: SAMPLING, MONITORING, AND REPORTING REQUIREMENTS

Rule 19.701 Purpose

The purpose of this chapter is to generally define the powers of the Division in requiring sampling, monitoring, and reporting requirements at stationary sources. The Division shall enforce all properly incorporated and delegated federal testing requirements at a minimum. Any credible evidence based on sampling, monitoring, and reporting may be used to determine violations of applicable emission limitations.

Rule 19.702 Air Emissions Sampling

Any stationary source subject to this rule shall be subject to the following requirements:

(A) Sampling Ports

To provide any sampling ports, at the request of the Division, required for federally regulated air pollutant emissions sampling, including safe and easy access to such ports.

(B) Sampling

To conduct federally regulated air pollutant emissions sampling, at the request of the Division, to determine the rate, opacity, composition, and/or contaminant concentration of the emissions. All compliance testing shall be done at the expense of the permittee by an independent firm, unless otherwise approved by the Division. Sampling shall not be required for those pollutants with continuous emissions monitors.

(C) Averaging Times

All compliance testing averaging times shall be consistent with the averaging times of the applicable federally regulated air pollutant emissions limitations stated in the applicable permit, which in no case shall be greater than the minimum averaging times of the applicable ~~NAAQS~~ national ambient air quality standards.

(D) Process Rates

Unless otherwise approved by the Division, all federally regulated air pollutant emissions sampling shall be performed with the equipment being tested operating at least at ninety percent (90%) of its permitted capacity. Emissions results shall be extrapolated to correlate with one hundred percent (100%) of permitted capacity to determine compliance.

(E) Testing Time Frames

Any equipment that is to be tested, at the request of the Division, shall be tested in accordance with the following time frames:

(1) Equipment to be constructed or modified shall be tested within sixty (60) days after achieving its maximum permitted production rate, but no later than one hundred eighty (180) days after its initial startup;

(2) Equipment already operating shall be tested according to the time frames set forth by the Division.

(F) Testing Methods and Records

The Division shall require that all applicable testing be performed using the methods described in 40 C.F.R. Part 51, Appendix M, as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452); 40 C.F.R. Part 60, Appendix A, as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257); 40 C.F.R. Part 61, Appendix B, as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2000 (65 FR 62161); and 40 C.F.R. Part 63, Appendix A, as of the effective date of the federal final rule published by EPA in the Federal Register on December 29, 1992 (57 FR 62002). The Division, with the concurrence of the EPA, may approve, at its discretion, alternate sampling methods that are equivalent to the specified methods. The results of such tests shall be submitted to the Division within the time frames and on such forms as required by the Division and federal regulations. The owner or operator of the equipment shall retain the results of such tests for at least five (5) years, and shall make the results available to any agents of the Division or the EPA during regular business hours.

Rule 19.703 Continuous Emissions Monitoring

Any stationary source subject to this rule shall, as required by federal law and upon request of the Division:

(A) Install, calibrate, operate, and maintain equipment to continuously monitor or determine federally regulated air pollutant emissions in accordance with applicable performance specifications in 40 C.F.R. Part 60 Appendix B as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11271), and quality assurance procedures in 40 C.F.R. Part 60 Appendix F as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11274), and other methods and conditions that the Division, with the concurrence of

the EPA, shall prescribe. Any source listed in a category in 40 C.F.R. Part 51 Appendix P as of the effective date of the federal final rule published by EPA in the Federal Register on November 7, 1986 (51 FR 40675), or in 40 C.F.R. Part 60 as of August 30, 1992, shall adhere to all continuous emissions monitoring or alternative continuous emission monitoring requirements stated therein, if applicable.

(B) Report the data collected by the monitoring equipment to the Division at such intervals and on such forms as the Division shall prescribe, in accordance with 40 C.F.R. Part 51, Appendix P, Section 4.0 (Minimum Data Requirements) as of the effective date of the federal final rule published by EPA in the Federal Register on November 7, 1986 (51 FR 40675), and any other applicable reporting requirements promulgated by the EPA.

Rule 19.704 Notice of Completion

For equipment for which a new permit or major permit modification is required, the Division shall be notified in writing within thirty (30) days of the following events;

(A) The date of commencement of construction or modification; and

(B) The date of commencement of operation of the equipment.

Rule 19.705 Record Keeping and Reporting Requirements

Any stationary source subject to this rule shall, upon request by the Division:

(A) Maintain records on the nature and amounts of federally regulated air pollutants emitted to the air by the equipment in question. All records, including compliance status reports and excess emissions measurements shall be retained for at least five (5) years, and shall be made available to any agent of the Division or EPA during regular business hours.

(B) Supply the following information, correlated in units of the applicable emissions limitations, to the Division:

(1) General process information related to the emissions of federally regulated air pollutants into the air.

(2) Emissions data obtained through sampling or continuous emissions monitoring.

(C) Information and data shall be submitted to the Division by a responsible official on such forms and at such time intervals as prescribed by applicable federal regulations or the Division. Reporting periods shall be a ~~12~~ twelve-month period.

(D) Each emission inventory is to be accompanied by a certifying statement, signed by the owner(s) or operator(s) and attesting that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying official.

Rule 19.706 Public Availability of Emissions Data

Emissions data obtained by the Division shall be correlated in units of applicable emissions limitations and be made available to the public at the Division's central offices during normal business hours.

CHAPTER 8: 111(D) DESIGNATED FACILITIES

Rule 19.801 Purpose

The purpose of this chapter is to establish rules for designated pollutants emitted from designated facilities in accordance with Section 111(d) of the Clean Air Act.

Rule 19.802 Permit Emissions Limitations

No person shall cause or permit emissions from equipment located at facilities described in this chapter to be exceeded. Future permit conditions may place more stringent emissions limitations on the equipment ~~which~~that shall supersede the limitations of this section.

Rule 19.803 ~~Sulfuric Acid Plants (H_2SO_4 Mist)~~[RESERVED]

~~(A) El Dorado Chemical Company (Arkansas Facility Identification Number [AFIN] 7000040) of El Dorado shall not exceed the following emission limitation after November 1, 1980:~~

~~(1) Sulfuric Acid Plant - 0.5 lb sulfuric acid (H_2SO_4) mist/ton 100% acid.~~

~~(2) [RESERVED]~~

~~(B) Compliance testing shall be performed using EPA Method #8 (40 C.F.R. Part 60 Appendix A as of May 25, 1979) at intervals specified in the applicable permit.~~

Rule 19.804 Kraft Pulp Mills ~~(TRS)~~

(A) ~~Affected Facilities~~

~~Equipment located at the following kraft pulp mills are affected by the provisions of this subsection. The~~ Rule 19.804(B) and (C) and the total reduced sulfur ~~(TRS)~~ emissions limitations ~~are~~ contained in Table 19.8.1 are applicable to equipment located at the following kraft pulp mills:~~.~~

(1) ~~International Paper Company~~ Evergreen Packaging (AFIN 35-00016)~~; of Pine Bluff.~~

(2) Green Bay Packaging, Arkansas Kraft Division (AFIN 15-00001)~~; of Morrilton.~~

(3) ~~Delta National Kraft~~ Twin Rivers Pine Bluff, LLC (AFIN 35-00017); ~~of Pine Bluff.~~

(4) Georgia-Pacific Corporation (AFIN 02-00013); ~~of Crossett.~~

(5) ~~Georgia-Pacific Corporation~~ Domtar A.W. (AFIN 41-00002); ~~of Ashdown.~~

(6) ~~Potlatch~~ Clearwater Paper Corporation (AFIN 21-00036). ~~of McGehee.~~

(B) ~~Compliance Testing Requirements All~~ The owner or operator of designated ~~equipment~~facilities listed in Table 19.8.1 shall ~~have annual compliance testing of TRS~~ test compliance with total reduced sulfur emissions limitations ~~performed~~ using EPA Method 16 at intervals of no longer than five (5) years following the previous compliance test. Data reduction shall be performed as set forth in 40 C.F.R. § 60.8 ~~as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11241)~~. ~~Annual compliance~~ Compliance testing ~~will~~ is not ~~be~~ required for equipment with a total reduced sulfur continuous ~~TRS~~ emissions monitor.

(C) ~~Continuous Monitoring Requirements~~

~~Any~~ The owner or operator of any equipment located at the ~~above~~ designated facilities specified under Rule 19.804(A) shall conduct ~~TRS~~ total reduced sulfur continuous monitoring in accordance with the requirements of 40 C.F.R. § 60.284 (date of installation not-withstanding). The continuous monitoring systems shall be operated according to the provisions of 40 C.F.R. § 60.284 by April 1, 1993, except that continuous emissions monitors for affected lime kilns shall be installed and certified by January 1, 1994.

Table 19.8.1 Kraft Pulp Mill TRS Emission Limits			
AFIN	Facility	Equipment	TRS Concentration (parts per million [ppm])
~~5200013~~	~~IP Camden~~	~~recovery furnace~~	~~40 ppm~~
		~~lime kiln~~	~~40 ppm~~
		~~smelt dissolving tank~~	~~0.0168 gram (g)/kilogram (kg)~~
35-00016	~~IP Pine Bluff~~ Twin Rivers Pine Bluff, LLC	recovery furnace	~~40 ppm~~ Forty (40) parts per million
		lime kiln	~~40 ppm~~ Forty (40) parts per million
		smelt dissolving tank	0.0168 ~~g/kg~~ grams per kilogram
15-00001	Green Bay Packaging, Arkansas Kraft Division	recovery furnace	~~40 ppm~~ Forty (40) parts per million
		lime kiln	~~40 ppm~~ Forty (40) parts per million
		smelt dissolving tank	0.0168 ~~g/kg~~ grams per kilogram
35-00017	~~Gaylord Container, Corp.~~ Mondi Pine Bluff	recovery furnace	~~100 ppm~~ One hundred (100) parts per million

		lime kiln	~~40 ppm~~ Forty (40) parts per million
		smelt dissolving tank	0.0168 ~~g/kg~~ grams per kilogram
02-00013	~~GP~~ Georgia Pacific Corporation ~~Crossett~~	recovery furnace	~~5 ppm~~ Five (5) parts per million
		lime kiln	~~8 ppm~~ Eight (8) parts per million
		smelt dissolving tank	0.0168 ~~g/kg~~ grams per kilogram
41-00002	~~GP Ashdown~~ Domtar A.W.	recovery furnace	~~5 ppm~~ Five (5)parts per million
		lime kiln	~~8 ppm~~ Eight (8) parts per million
		smelt dissolving tank	0.0168 ~~g/kg~~ grams per kilogram
21-00036	~~Potlatch McGehee~~ Clearwater Paper Corporation	recovery furnace	~~5 ppm~~ Five (5) parts per million
		lime kiln	~~20 ppm~~ Twenty (20) parts per million
		smelt dissolving tank	0.0168 ~~g/kg~~ grams per kilogram

Recovery Furnaces–measured as hydrogen sulfide ~~(H_2S)~~ on a dry basis and on a ~~twelve (12)~~ twelve-hour average, corrected to eight percent (8%) by volume oxygen.

Lime Kilns–measured as ~~H_2S~~ hydrogen sulfide on a dry basis and on a ~~twelve (12)~~ twelve-hour average, corrected to ten percent (10%) volume oxygen.

Smelt Dissolving Tanks–measured as grams ~~H_2S/kg~~ hydrogen sulfide per kilogram black liquor solids on a ~~twelve (12)~~ twelve-hour average.

Digesters and Evaporators–efficient incineration of non-condensable gases (at least twelve hundred degrees Fahrenheit [1200°F] for at least one-half [0.5] of one [1] second).

CHAPTER 9: PREVENTION OF SIGNIFICANT DETERIORATION

Rule 19.901 Title

The following rules of the Arkansas Pollution Control and Ecology Commission, adopted in accordance with the provisions of Part II of the Arkansas Water and Air Pollution Control Act at Ark. Code Ann. § 8-4-101 *et seq*., shall be known as Prevention of Significant Deterioration Rules of the Arkansas Plan of Implementation for Air Pollution Control, hereinafter referred to, respectively, as the "~~PSD~~ Prevention of Significant Deterioration Rules."

Rule 19.902 Purposes

Promulgation and enforcement of these ~~PSD~~ Prevention of Significant Deterioration Rules is intended to further the purposes of the ~~Plan~~ state implementation plan and ~~the Rules of the Plan~~ Rule 19, including, but not limited to, acceptance of delegation by the EPA of authority for enforcement of rules governing the prevention of significant deterioration of air quality and rules governing the protection of visibility in mandatory Class I federal areas.

Rule 19.903 Definitions

(A) "Advance notification" (of a permit application) means any written communication ~~which~~that establishes the applicant's intention to construct, and ~~which~~that provides the Division with sufficient information to determine that the proposed source may constitute a major new source or major modification, and that such source may affect any mandatory Class I federal area, including, but not limited to, submittal of a draft or partial permit application, a ~~PSD~~ prevention of significant deterioration monitoring plan, or a sufficiently detailed letter. "Advance notification" does not include general inquiries about ~~the Division's rules~~Commission Rules.

(B) "Regulated ~~NSR~~ new source review pollutant ~~Pollutant~~," for purposes of this chapter, means the following:

(1) Any pollutant for which a national ambient air quality standard has been adopted under Chapter 2 of this Rule and any pollutant identified under this paragraph (B)(1) as a constituent or precursor for such pollutant. Precursors identified by the Division for purposes of ~~NSR~~ new source review are the following:

(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(b) Sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

(c) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ in all attainment and unclassifiable areas, unless Arkansas demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(d) Volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ in any attainment or unclassifiable area, unless Arkansas demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient $PM_{2.5}$ concentrations.

(2) Any pollutant that is subject to any standard promulgated under Section 111 of the Clean Air Act ~~as of July 27, 2012~~;

(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act;

(4) Any pollutant that otherwise is subject to regulation under the Clean Air Act;

(5) Notwithstanding paragraphs (B)(1) through (4) of this section, the term *regulated ~~NSR~~ new source review pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the Clean Air Act, or added to the list pursuant to Section 112(b)(2) of the Clean Air Act, and ~~which~~that have not been delisted pursuant to Section 112(b)(3) of the Clean Air Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Clean Air Act ~~as of July 27, 2012~~; and

(6) $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a source or activity, ~~which~~that condense to form particulate matter at ambient temperatures. As of the effective date of the federal final rule published by EPA in the Federal Register on Thursday, October 25, 2012 (77 FR 65107), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for $PM_{2.5}$, and PM_{10} in ~~PSD~~ prevention of significant deterioration permits. Compliance with emissions limitations for $PM_{2.5}$, and PM_{10} issued prior to this date shall not be based on

condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this chapter.

(C) For the purpose of this chapter, "subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision of the federal Clean Air Act, or a nationally-applicable regulation codified by the Administrator pursuant to 40 C.F.R., Chapter 1, Subchapter C and adopted herein, that requires actual control of the quantity of emissions of that pollutant and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity.

(D) All other terms used herein shall have the same meaning as set forth in Chapter 2 of Rule 19 or in 40 C.F.R. § 52.21(b) [~~PSD~~ prevention of significant deterioration] and 40 C.F.R. § 51.301 [Protection of Visibility] as of October 20, 2010, and adopted in Rule 19.904, unless manifestly inconsistent with the context in which they are used. Wherever there is a difference between the definitions in Chapter 2 of Rule 19 and those listed in 40 C.F.R. § 52.21(b) and C.F.R. § 51.301, the federal definitions as listed in 40 C.F.R. § 52.21(b), as adopted in Rule 19.904 and Rule 19.903(A), (B) and (C), and 40 C.F.R. § 51.301 as of October 20, 2010, shall apply.

(E) The definition for "routine maintenance, repair and replacement" in 40 C.F.R. § 52.21(b)(2)(iii)(a) is not incorporated.

Rule 19.904 Adoption of Rules

(A) Except where manifestly inconsistent with the provisions of the Clean Air Act, as amended, or with federal regulations adopted pursuant thereto, and as amended specifically herein by paragraphs (B), (C), (D), (E), (F), and (G) of Rule 19.904, the Division of Environmental Quality shall have those responsibilities and that authority, with reference to the State of Arkansas, granted to the Administrator of the EPA under 40 C.F.R. § 52.21 (a)(2) through (bb), as in effect on November 29, 2005, which are hereby incorporated herein by reference with the exception of:

(1) 40 C.F.R. § 52.21(aa), which is incorporated by reference as in effect on August 13, 2012, except for instances in the sections of 40 C.F.R. § 52.21(aa) where 40 C.F.R. § 52.21(b)(49) is referenced. In those instances, paragraph (G) of Rule 19.904 shall apply;

(2) 40 C.F.R. § 52.21(r)(6), which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on December 21, 2007 (72 FR 72607);

(3) 40 C.F.R. §§ 52.21(b)(23), 52.21(i)(5)(ii), and 52.21(i)(5)(iii), which are incorporated by reference as of May 16, 2008;

(4) 40 C.F.R. §§ 52.21(b)(14)(i) [Major Source Baseline Date], 52.21(b)(14)(ii) [Minor Source Baseline Date], 52.21(b)(14)(iii), 52.21(b)(15) [Baseline Area], 52.21(c) [Ambient Air Increments], 52.21(k)(1) [Source Impact Analysis Requirements], and 52.21(p) [Requirements for Sources Impacting Federal Class I areas], which are incorporated herein by reference as of October 20, 2010;

(5) 40 C.F.R. §§ 52.21(b)(49), 52.21(b)(50), 52.21(b)(55-58), 52.21(i)(9), and 52.21(cc), which are not incorporated herein.

In the absence of a specific imposition of responsibility or grant of authority, the Division shall be deemed to have that responsibility and authority necessary to attain the purposes of the ~~Plan~~state implementation plan, these ~~PSD~~ Prevention of Significant Deterioration Rules, and the applicable federal regulations, as incorporated herein by reference.

(B) Exclusions from the consumption of increments, as provided in 40 C.F.R. § 51.166(f)(1)(iii) as of November 29, 2005, shall be effective immediately. Submission of ~~this Plan~~ the state implementation plan under the Governor's signature constitutes a request by the Governor for this exclusion.

(C) In addition to the requirements of 40 C.F.R. § 52.21(o) as of November 29, 2005, the following requirements [designated as Rule 19.904(C)(1),(2),(3) and (4)] shall also apply:

(1) Where air quality impact analyses required under this ~~part~~ Chapter indicate that the issuance of a permit for any major stationary source or for any major modification would result in the consumption of more than fifty percent (50%) of any available annual increment or eighty percent (80%) of any short term increment, the person applying for such a permit shall submit to the Division an assessment of the following factors:

(a) Effects that the proposed consumption would have upon the industrial and economic development within the area of the proposed source; and

(b) Alternatives to such consumption, including alternative siting of the proposed source or portions thereof.

(2) The assessment required under ~~subparagraph~~ Rule 19.904(C)(1) ~~above~~ shall be made part of the application for permit and shall be made available for public inspection as provided in 40 C.F.R. § 52.21(q) as of November 29, 2005.

(3) The assessment required under ~~subparagraph~~ Rule 19.904(C)(1) ~~above~~ shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of increment consumed and the area affected.

(4) The assessment required under ~~subparagraph~~ Rule 19.904(C)(1) ~~above~~ may be made effective where a proposed source would cause an increment consumption less than that specified in said subparagraph if the Director finds that unusual circumstances exist in the area of the proposed source ~~which~~that warrant such an assessment. The Director shall notify the applicant in writing of those circumstances ~~which~~that warrant said assessment. The Commission may rescind or modify the Director's action, upon a showing by the applicant that the circumstances alleged by the Director either do not exist or do not warrant the aforecited assessment.

(D) In addition to the requirements of 40 C.F.R. § 52.21(p)(1) as of October 20, 2010, the following requirements shall also apply:

Impacts on mandatory Class I federal areas include impacts on visibility. The preliminary determination that a source may affect air quality or visibility in a mandatory Class I federal area shall be made by the Division, based on screening criteria agreed upon by the Division and the Federal Land Manager.

(E) In all instances wherein the aforesaid 40 C.F.R. § 51.301 and 40 C.F.R. § 52.21 refer to the Administrator or the ~~Environmental Protection Agency~~EPA, the reference, for the purposes of paragraph (A) of Rule 19.904, shall be deemed to mean the Division ~~of Environmental Quality~~, unless the context plainly dictates otherwise, except in the following sections:

(1) Exclusion from increment consumption: 40 C.F.R. §§ 52.21(f)(1)(v), (f)(3), and (f)(4)(I);

(2) Redesignation: 40 C.F.R. §§ 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6);

(3) Air quality models: 40 C.F.R. § 52.21(l)(2).

(F) Redesignation of air quality areas in Arkansas shall comply with Ark. Code Ann.§ 8-3-101 *et seq*.

(G) For the purpose of the regulation of ~~GHGs~~ greenhouse gases, only the standards and requirements promulgated by EPA as of June 3, 2010, related to the permitting of ~~GHG~~ greenhouse gas emissions shall apply to the requirements of 40 C.F.R. § 52.21, as of November 29, 2005, incorporated by reference at Rule 19.904(A). The following definitions and requirements shall also apply:

(1) "Greenhouse gases" ~~(GHGs)~~ means the air pollutant defined as the aggregate group of six (6) greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in Rule 19.904(G)(4) through Rule 19.904(G)(5), and shall not be subject to regulation if the stationary source:

(a) Maintains its total ~~source-wide~~ plant-wide emissions below the ~~GHG~~ greenhouse gas plant-wide applicability limitations ~~(hereinafter "PAL")~~ level;

(b) Meets the requirements in 40 § C.F.R 52.21(aa)(1) through 40 C.F.R. § 52.21(aa)(15) as outlined in Rule 19.904(A)(1); and

(c) Complies with the ~~PAL~~ greenhouse gases plant-wide applicability limitations contained in the permit ~~containing the GHG PAL~~.

(2) For purposes of Rule 19.904(G)(3) through Rule 19.904(G)(5):

(a) The term tons per year ~~(tpy)~~ of "CO_2 equivalent emissions" ~~(CO_2e)~~ shall represent an amount of ~~GHGs~~ greenhouse gases emitted, and shall be computed as follows:

(i) Multiplying the mass amount of emissions in ~~tpy~~ tons per year, for each of the six (6) greenhouse gases in the pollutant ~~GHGs~~ greenhouse gases, by each gas's associated global warming potential published at Table ~~A – 1~~ A-1 to Subpart A of 40 C.F.R. Part 98 – Global Warming Potentials ~~(as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948])~~; and

(ii) Sum the resultant values from Rule 19.904(G)(2)(a) for each gas to compute ~~a tpy CO2e~~ tons per year of CO_2 equivalent emissions.

(3) The term "emissions increase" as used in Rule 19.904(G)(4) through Rule 19.904(G)(5) shall mean that both a significant emissions increase (as calculated

using the procedures in 40 C.F.R. § 52.21(a)(2)(iv), as of November 29, 2005), and a significant net emissions increase (as defined in 40 C.F.R. § 52.21(b)(3), as of November 29, 2005, and 40 C.F.R. § 52.21(b)(23), as of November 29, 2005), occur. For the pollutant ~~GHGs~~greenhouse gases, an emissions increase shall be based on ~~tpy CO_2e~~ tons per year of CO_2 equivalent emissions, and shall be calculated assuming the pollutant ~~GHGs~~greenhouse gases is a regulated ~~NSR~~ new source review pollutant, and "significant" is defined as seventy-five thousand (75,000)~~tpy CO_2e~~ tons per year of CO_2 equivalent emissions instead of applying the value in 40 C.F.R. § 52.21(b)(23)(ii), as of November 29, 2005.

(4) Beginning January 2, 2011, the pollutant ~~GHGs~~greenhouse gases is subject to regulation if:

(a) The stationary source is a new major stationary source for a regulated ~~NSR~~ new source review pollutant that is not ~~GHGs~~greenhouse gases, and also will emit or will have the potential to emit ~~GHGs~~greenhouse gases at seventy-five thousand (75,000) ~~tpy CO_2e~~ tons per year of CO_2 equivalent emissions or more; or

(b) The stationary source is an existing major stationary source for a regulated ~~NSR~~ new source review pollutant that is not ~~GHGs~~greenhouse gases, and also will have an emissions increase of a regulated ~~NSR~~ new source review pollutant, and an emissions increase of ~~GHGs~~greenhouse gases of seventy-five thousand (75,000) ~~tpy CO_2e~~ tons per year of CO_2 equivalent emissions or more.

(5) [RESERVED]~~Beginning July 1, 2011, in addition to the provisions in Rule 19.904(G)(4) of this section, the pollutant GHGs shall also be subject to regulation:~~

~~(a) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e or more; or~~

~~(b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO_2e or more.~~

(H) The following shall apply when dispersion or other air quality modeling is used to meet the requirements of this chapter.

(1) General

All applications of air quality modeling involved in this chapter shall be based on the applicable models, data bases, and other requirements specified in Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models).

(2) Substitution

Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis for a specific pollutant or type of stationary source. Written approval of the Administrator of the EPA must be obtained for any modification or substitution.

CHAPTER 10: [RESERVED]~~RULES FOR THE CONTROL OF VOLATILE ORGANIC COMPOUNDS IN PULASKI COUNTY~~

~~**Rule 19.1001 Title**~~

~~This chapter, adopted in accordance with the provisions of the Arkansas Water and Air Pollution Control Act [Arkansas Code Annotated Sections 8-4-101 *et seq*., as amended] and pursuant to the provisions of the federal Clean Air Act, shall be known as the Rules for the Control of Volatile Organic Compounds.~~

~~**Rule 19.1002 Purpose**~~

~~The Rules for the Control of Volatile Organic Compounds are designed to provide for the attainment and maintenance of the National Ambient Air Quality Standards for ozone in those areas of Arkansas which have been designated as nonattainment areas by the EPA pursuant to the federal Clean Air Act and are further designed to bring the Arkansas Plan of Implementation for Air Pollution Control into compliance with the provisions of said Act.~~

~~**Rule 19.1003 Definitions**~~

~~When used in these Rules for the Control of Volatile Organic Compounds, the following definitions apply. Terms and phrases used in this chapter which are not explicitly defined herein shall have the same meaning as those terms used in Chapter 2 of Rule 19 or, if not defined in Chapter 2 of Rule 19, as those terms defined in the federal Clean Air Act.~~

~~Unless manifestly inconsistent therewith, terms and phrases used herein shall have the same meaning as used in the Arkansas Water and Air Pollution Control Act and the federal Clean Air Act.~~

~~**"Clear coat"** means a coating which lacks color and opacity.~~

~~**"Coating application system"** means all operations and equipment which applies, conveys, and dries a surface coating.~~

~~**"Control Technique Guideline"** means any of the guideline series documents describing an emission control technology for a specific source or category of sources; which documents being published by the EPA.~~

~~**"Cutback asphalt"** means asphalt cement which has been liquefied by blending with petroleum solvents (diluents). Upon exposure to atmospheric conditions, the diluents evaporate, leaving the asphalt cement to perform its function.~~

"Crude oil" means a naturally occurring mixture consisting of hydrocarbons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid in the reservoir and at standard conditions.

"Custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

"Delivery vessel" means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary tanks of gasoline dispensing facilities.

"Existing source" means any source of volatile organic compounds other than a new source.

"External floating roof" means a storage vessel cover in an open tank top consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

"Extreme performance coating" means coatings designed for harsh exposure or extreme environmental conditions.

"Gasoline" means a petroleum distillate having a Reid vapor pressure of 27.6 kilopascals (kPa) (4 pounds per square inch [psi]) or greater that is used as fuel for internal combustion engines.

"Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

"Gasoline tank truck" means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks or to gasoline bulk facilities.

"Liquid mounted" means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.

"Low solvent coating" means coatings which contain less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water borne, high solids, electrodeposition and powder coatings.

"Lowest Achievable Emission Rate" (LAER) means for any source, that rate of emissions which reflects the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the

proposed source demonstrates that such limitations are not achievable, or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable New Source Standards of Performance.

"Major source" means any stationary source which has the potential to emit 100 tons or more per year of volatile organic compounds.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any volatile organic compound emitted by such source or which results in the emission of any other volatile organic compound not previously emitted.

"New source" means any stationary source of volatile organic compounds, the construction or modification of which is commenced after July 1, 1979.

"New Source Standard of Performance" (NSPS) means those standards which are adopted by the EPA pursuant to the provisions of Section 111 of the federal Clean Air Act [NSPS, 40 CFR Part 60].

"Operator" means any person who leases, operates, controls, or supervises any source, facility or equipment affected by these rules.

"Owner" means any person who has legal or equitable title to any source, facility, or equipment affected by these rules.

"Person" means any individual or other legal entity or their legal representative or assignee.

"Prime coat" means the first of two or more films of coating applied to a metal surface.

"Reasonably Available Control Technology" (RACT) means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar, but not necessarily identical source categories.

"Single coat" means one film coating applied to a metal surface.

"Top coat" means the final film or series of films or coatings applied in a two coat (or more) operation.

"True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute (API) Bulletin 2517, Evaporation Loss from External Floating Roof Tanks, 1980. The API procedure may not be applicable to some high viscosity or high pour crudes. Available estimates of true vapor pressure may be used in special cases such as these.

"Vapor collection system" means a vapor transport system which used direct displacement by the gasoline being transferred to force vapors from the vessel being loaded into either a vessel being unloaded or a vapor control system or vapor holding tank.

"Vapor control system" means a system that prevents release to the atmosphere of gasoline vapors in excess of 80 milligrams per liter of gasoline loaded (4.7 grains per liter).

"Vapor-mounted" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank shell, the liquid surface, and the floating roof.

Rule 19.1004 General Provisions

(A) Applicability and Effective Dates

(1) Sources which are subject to provisions of the Rules for the Control of Volatile Organic Compounds include:

(a) Any source for which controls are governed by Rule 19.1005 hereof;

(b) Any source which is subject to the terms of a Commission order issued pursuant to Rule 19.1004(D)(1) hereof, and

(c) Any new major source.

(2) The provisions of Chapter 10, the Rules for the Control of Volatile Organic Compounds, shall be limited to sources located in Pulaski County, except as provided in Rule 19.1004(D)(1) and shall go into full force and effect on the effective date provided, however, that the provisions of Rule 19.1004(D)(1) shall go into full force and effect on April 1, 1979. The effective date for Rule 19.1005(A)(B) and (C) is July 1, 1979, and for Rule 19.1005(D) and (E) is October 1, 1980. The effective date for Rule 19.1005(F) is April 1, 1981.

(B) Exemptions and Variances

(1) [RESERVED]

(2) The requirements of Rule 19.1005 are based upon information presented in the Control Technique Guidelines as published by the EPA and are intended to be consistent with Reasonably Available Control Technology. The owner or operator of equipment affected by the provisions of Rule 19.1005 may be granted a variance from the specific provisions of such section provided that such owner or operator can demonstrate to the reasonable satisfaction of the Commission that full and strict compliance is technologically or economically infeasible or that alternative techniques to be employed by such owner or operator will result in substantially the same environmental benefits as would be achieved with full and strict compliance with the provisions of Rule 19.1005. In no event, however, shall the Commission issue variances from the requirements of Rule 19.1005 if such variances will prevent reasonable further progress for the attainment and maintenance of the National Ambient Air Quality Standards for ozone.

(C) Toxic Compounds

The Rules for the Control of Volatile Organic Compounds are not intended as appropriate controls for sources which emit volatile organic compounds which are hazardous air pollutants.

(D) Determination of Reasonably Available Control Technology

(1) Where the Division proposes the existence of Reasonably Available Control Technology for existing sources, other than the sources for which the provisions of Rule 19.1005 are applicable, the Division shall give public notice of such determination and shall, in such notice, describe the nature of such technology and shall list by size, type, source, category or by individual source name, the affected sources. The public notice shall also give notice of public hearing concerning the subject proposals. If, after review of the information produced through the public hearing process, the Division determines that such technology does exist and that the application of such technology is necessary to maintain reasonable further progress toward the attainment and maintenance of the National Ambient Air Quality Standards for ozone, the Division shall issue an order requiring the installation of such technology.

(2) Any order issued pursuant to Rule 19.1004(D)(1) above may require the owner or operator of sources affected by such order to file such schedules and reports as the Division feels necessary to assure that the subject technology is placed into operation as expeditiously as practicable. The terms of such orders may be modified where the Division finds that such modifications are necessary to avoid economic hardship and where such modification would not interfere with

reasonable further progress toward the attainment of the previously cited standards.

(E) Permits and Compliance Schedules

(1) Existing Sources:

(a) No person shall cause or permit the operation or use of an existing source to which any provision of Rule 19.1005 applies unless the owner or operator of such source shall have submitted to the Division, prior to the applicable date below, a compliance schedule indicating what steps have been, or will be taken to bring the operation of such source into compliance with the provisions of Rule 19.1005. The compliance schedule shall be of such form and contain such information as the Division may reasonably require. The applicable date for Rule 19.1005(A)(B) and (C) is October 1, 1979. The applicable date for Rule 19.1005(D) and (E) is January 1, 1981. The applicable date for Rule 19.1005(F) is May 15, 1981.

(b) No person shall cause the operation or use of an existing source which is affected by any provision of Rule 19.1005 after the approval date if a compliance schedule of such source under Subsection (a) above has been disapproved by the Division. No compliance schedule for any source shall be approved by the Division unless the Division finds that the controls proposed by the owner or operator will be installed, placed in operation, and that the source will be in compliance with the provisions of Rule 19.1005 prior to the final compliance date. Extensions beyond the final compliance date may be granted by the Division provided the Division finds that such extensions are necessary to avoid economic hardship and that such extensions will not prevent reasonable further progress toward the attainment of the National Ambient Air Quality Standards for ozone. The approval date for Rule 19.1005(A)(B) and (C) is February 1, 1981 and for Rule 19.1005(D)(E) and (F) is February 1, 1982. The final compliance date for Rule 19.1005(A)(B) and (C) is June 1, 1981, for Rule 19.1005(D) is March 1, 1982, and for Rule 19.1005(E) and (F) is July 1, 1982.

(c) No person shall cause or permit the operation of an existing source in a manner which violates the terms of a compliance schedule which has been approved or amended by the Division or which violates the terms of a Division order issued pursuant to the provisions of Rule 19.1004(D)(1).

(2) New Sources:

Except as provided herein, no person shall commence the construction, installation, or modification of a new source after July 1, 1979, unless that person has first received a permit from the Division. Application for permit shall be of such form and contain such information as the Division may reasonably require.

(a) New Major Sources: No permit shall be issued for the construction, installation or modification of a new major source after July 1, 1979, unless the Division determines the following conditions to have been met:

(i) The emissions resulting from the proposed source when considered together with all other existing and proposed emissions of volatile organic compounds in Pulaski County will not cause or contribute to emission levels which exceed the allowance permitted for volatile organic compounds under the Arkansas Plan of Implementation for Air Pollution Control, as revised to comply with the provisions of the Clean Air Act.

(ii) The emissions resulting from the proposed new major source will comply with the requirements of the FCAA which are in effect as of the effective date of this rule.

(iii) The owner or operator of the proposed new or modified major source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Arkansas are in compliance, or on a schedule of compliance with all applicable emission limitations and standards under the federal Clean Air Act, including the Arkansas Plan of Implementation for Air Pollution Control.

(iv) A permit may be issued to a new major source which would otherwise cause or contribute to emission levels which exceed the allowable levels for Pulaski County, as described in the State Implementation Plan for Air Pollution Control, as amended, if the owner or operator of that source first submits legally binding agreements to the Division which reflect emission reductions from other sources in Pulaski County, or from sources within seventy-two (72) miles of the North Little Rock Municipal Airport, which

would more than offset the emissions from such proposed new major source. Emission reductions claimed by such owner or operator may not include those emission reductions in Pulaski County which are necessary to reduce the total volatile organic compound emission to the allowable level in Pulaski County.

(b) Other New Sources:

(i) No permit shall be issued for a new source of the size, type, class, or category for which the provisions of Rule 19.1005 apply unless the Division finds that such new source incorporates Reasonably Available Control Technology developed for the kind and amount of volatile organic compounds to be emitted by the source and that, as a minimum, the source will be designed, constructed and operated such that the emissions therefrom, will not exceed the allowable emission rate provided by such section for existing sources.

(ii) No permit shall be issued for a new source of the size, type, class or category for which a Division Order has been issued pursuant to Rule 19.1004(D)(1), unless the Division finds that such source incorporates Reasonably Available Control Technology developed for the kind and amount of volatile organic compounds to be emitted by such source and that, as a minimum, the source will be designed, constructed, and operated such that the emissions therefrom will not exceed the rate required of existing sources by such order.

(F) Testing and Reporting Requirements

(1) Any person owning or operating sources which are affected by the provisions of the Rules for the Control of Volatile Organic Compounds shall, upon the request of the Director, furnish such information as may be required to demonstrate compliance with said Rules. For purposes of this chapter, the provisions of Chapter 7 of the Rules of the Arkansas Plan of Implementation for Air Pollution Control shall apply.

(2) For purposes of administering the provisions of the Rules for the Control of Volatile Organic Compounds, the Director shall not be limited to the results obtained from emission tests but may, where appropriate, determine the

~~compliance status of any source with respect to the emission limitations contained herein by the results of engineering evaluations, by inspection reports or by such information submitted, and certified, by the source owner or operator. For purposes of this chapter, a source may be deemed to be in compliance with the emission limitations of said Rules if the equipment of such source is designed and operated in accordance with the provisions of Rule 19.1005 or, where Rule 19.1005 is not applicable, is designed and operated in accordance with the provisions of a Division Order or a permit issued hereunder, provided however, where an emission limitation is applicable to a certain source and where emission testing has been conducted in a manner approved by the Division and where such test demonstrate compliance with such limitations, the source shall be deemed to be in compliance with such limitations.~~

~~(3) To test the leak tightness of gasoline tank trucks as required in Rule 19.1005(D), the following method and procedures should be followed:~~

~~(a) The owner or operator shall, at his or her own expense demonstrate compliance with Rule 19.1005(D) by the methods of Part 3 of this subsection or an alternative method approved by the Director.~~

~~(b) The owner or operator of a tank truck subject to this rule must notify the Director in writing of the date and location of a certification test at least thirty (30) days before the anticipated test date.~~

~~(c) Test procedures to determine compliance with Rule 19.1005(D) must be approved by the Director and consistent with the test procedures described in Appendix A or C of the OAQPS Guideline Series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA-450/2-78-051.~~

~~(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures described in Appendix B of the OAQPS Guideline Series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA-450/2-78-051.~~

~~(4) To test for compliance with Rule 19.1005(E) procedures outlined in EPA guideline series document "Measurement of Volatile Organic Compounds," EPA-450/2-78-041 and Appendix A of "Control of Volatile Organics from Existing~~

Stationary Sources--Volume II--Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light Trucks," EPA-450/2-77-008 shall be used.

(5) To test for compliance with Rule 19.1005(F) a visual inspection must be conducted at an interval not to exceed one year. For tanks with vapor mounted primary seals, the secondary seal gap area should be determined by measuring the length and width of the gaps around the entire circumference of the secondary seal. Only gaps greater than or equal to 0.32 centimeter (cm) (1/8 inch) shall be used in computing the gap area. The area of the gaps shall be accumulated to determine the compliance with Rule 19.1005(F)(1)(b). This data along with records of the throughput and type of volatile petroleum liquids for each vessel should be maintained by the owner or operator.

(G) Circumvention

(1) No owner or operator subject to these Rules may build, erect, install, or use any article, machine, equipment, process or method, the use of which conceals an emission which would otherwise constitute a violation of these Rules.

(2) The provisions of Rule 19.1004(G)(1) above include, but are not limited to, the use of gaseous diluents to achieve compliance and the piecemeal carrying out of an operation to avoid coverage by a Rule that applies only to operations larger than a specified size.

(H) Malfunctions, Breakdowns, Upsets

(1) Emissions in excess of these Rules which are temporary and result solely from a sudden and unavoidable breakdown, malfunction or upset of process or emission control equipment, or sudden and unavoidable upset of operation will not be considered a violation of these Rules provided:

(a) the owner or operator notifies the Division of any such occurrence by the end of the next business day of the occurrence; and

(b) the owner or operator demonstrates to the Director that the suggested period of time for correction is as expeditious as practicable; and

(c) the breakdown or upset is determined by the Director to be unavoidable and not the result of negligence; and

(d) within five (5) days after the beginning of the occurrence, a written report is submitted to the Director which includes the cause and nature of the event, estimated quantity of volatile organic compounds emitted, time of emission and to prevent recurrence; and

(e) the Director is immediately notified when corrective measures have been accomplished.

(2) [RESERVED]

Rule 19.1005 Provisions for Specific Processes

(A) Gasoline Storage and Marketing

(1) No person shall cause or permit the loading of gasoline into a storage tank of a gasoline storage or marketing facility with a monthly throughput in excess of 10,000 gallons except through a submerged fill pipe or by bottom loading. This provision shall not apply to storage tanks of less than 4,000 liter capacity (approximately 1,000 gallons).

(2) No person shall cause or permit the operation of a gasoline bulk facility of less than 87,000 liters (23,000 gallons) per day throughput unless all gasoline delivery vessels are loaded by submerged fill pipe or bottom filling.

(3) No person shall cause or permit the operation of a gasoline bulk facility having a daily throughput equal to greater than 87,000 liters (23,000 gallons) per day unless a vapor control system is in place, is properly maintained and is used to prevent gasoline vapors from being emitted into the atmosphere at a rate in excess of 80 milligrams per liter of gasoline loaded (4.7 grains per gallon).

(B) Petroleum Liquid Storage

(1) No person shall cause or permit the storage of volatile organic compounds having a true vapor pressure in excess of 10.5 kilopascals (1.52 pounds-force per square inch [psia]) in tanks having a capacity equal to or greater than 150,000 liters (approximately 39,000 gallons) unless such tanks:

(a) meet the equipment specifications and maintenance requirements of the federal Standards of Performance for New Stationary Sources – Storage

Vessels for Petroleum Liquids, 40 CFR 60.110, as amended by proposed rule change, *Federal Register*, May 18, 1978, pages 21617 through 21625; or

(b) are retrofitted with a floating roof or internal floating cover using a non-metallic resilient seal as a primary seal which meets the equipment specifications in the federal standards referred to in Rule 19.1005(B)(1)(a), or its equivalent, or

(c) have a covered floating roof or internal floating cover which is maintained in effective working order and which meets the manufacturer's equipment specifications in effect at the time it was installed.

(2) All seals necessary to meet the requirements of Rule 191005(B)(1)(b) and (c) are to be maintained in good operating condition.

(3) All openings, except stub drains and those related to safety, are to be sealed with suitable closures when not in use.

(C) Cutback Asphalt

No person shall mix, use or apply cutback asphalt for roadway paving except where the cutback asphalt is used solely as a penetrating prime coat or when the maximum ambient temperature on the day of application is less than 15 degrees Celsius (^{0}C) (59 degrees Fahrenheit [^{0}F]).

(D) Gasoline Tank Trucks and Vapor Collection Systems

(1) No person shall allow a gasoline tank truck subject to this rule to be filled or emptied unless the gasoline tank truck:

(a) is tested on a schedule acceptable to the Director according to the test procedure referenced in Rule 19.1004(F)(3);

(b) sustains a pressure change of no more than 750 pascals (3 inches of water [in. of H_2O]) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 in. of H_2O) or evacuated to a gauge pressure of 1,500 pascals (6 in. of H_2O) during the testing required in Rule 19.1005(D)(1)(a); and

(c) is repaired by the owner or operator and retested within 15 days of testing if it does not meet the criteria of Rule 19.1005(D)(1)(b). subparagraph (1)(b) of this chapter.

(2) The owner or operator of a vapor collection system subject to this rule shall:

(a) Design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:

(i) Gauge pressure from exceeding 4,500 pascals (18 in. of H_2O) and vacuum from exceeding 1,500 pascals (6 in. of H_2O) in the gasoline tank truck;

(ii) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters from all points on the perimeter of a potential leak source when measured by the method referenced in Rule 19.1004(F)(3) during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals; and

(iii) Avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals.

(b) Within 15 days, repair and retest a vapor collection or control system that exceeds the limit in supporting Rule 19.1005(D)(2)(a)(ii) above.

(3) The Director may, at any time, monitor a gasoline tank truck, vapor collection system, or vapor control system by the method referenced in Rule 19.1004(F)(3) to confirm continuing compliance with Rule 19.1005(D)(1) or (2) of this section.

(E) Surface Coating of Metal Parts and Products

(1) No owner or operator of a major source engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this rule that emits VOC in excess of:

(a) 0.52 kg/liter (l) 4.3 pounds per gallon [lb/gal]) of coating, excluding water, delivered to a coating applicator that applies clear coatings;

(b) 0.42 kg/l (3.5 lb/gal) of coating, excluding water, delivered to a coating applicator in a coating application system that utilizes air or forced air dryers;

(c) 0.42 kg/l (3.5 lb/gal) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings;

(d) 0.36 kg/l (3.0 lb/gal) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems; and

(e) The above emission limitations shall include all VOC emissions from both coating and solvent washing unless the solvent is directed into containers that prevent evaporation.

(2) If more than one emission limitation in Rule 19.1005(E)(1) applies to a specific coating, then the most stringent emission limitation shall be applied.

(3) The emission limits set forth in Rule 19.1005(E)(1) shall be achieved by:

(a) The application of low solvent coating technology;

(b) An incineration system which oxidizes at least 90.0 percent of the non-methane VOC measured as total combustible carbon to carbon dioxide and water; or

(c) An equivalent means of VOC removal. The equivalent means must be certified by the owner or operator and approved by the Director.

(4) A capture system must be used in conjunction with the emission control system in Rule 19.1005(E)(3)(b) and (c). The design and operation of a capture system must be consistent with good engineering practice, and shall be required to provide for an overall VOC emission reduction efficiency of at least 80 percent.

(F) External Floating Roof

(1) No person shall cause or permit the storage of volatile organic compounds having a true vapor pressure in excess of 10.5 kilo pascals (1.52 psia) in tanks having a capacity equal to or greater than 150,000 liters (approximately 39,000 gallons) equipped with an external floating roof unless:

(a) The storage tank has been fitted with a continuous secondary seal extending from the floating roof to the tank wall (rim mounted) or an

~~control device with an effectiveness equal to or greater than the secondary seal;~~

~~(b) All seal closure devices meet the following requirements:~~

~~(i) There shall be no visible holes, tears, or other openings in the seals or seals fabric;~~

~~(ii) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank walls; and~~

~~(iii) For vapor mounted seals, the gap area between the secondary seal and the tank wall shall not exceed 21.2 square centimeters per meter of inside tank diameter (1.0 square inch per foot of inside tank diameter);~~

~~(c) All openings in the external floating roof except for automatic bleeder vents, rim space vents, and leg sleeves provide a projection below the liquid surface and are sealed with a suitable closure when not in use;~~

~~(d) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;~~

~~(e) Rim vents are set to open only when the roof is being floated off the leg supports or at the manufacturer's recommended settings; and~~

~~(f) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.~~

~~(2) The following are specifically exempted from the requirements of this subsection:~~

~~(a) External floating roof tanks having capacities less than 1,600,000 liters (10,000 barrels [bbls]) used to store produced crude oil and condensate prior to custody transfer;~~

~~(b) A metallic-type shoe seal in a welded tank which has a secondary seal from the top of the shoe to the tank wall (a shoe-mounted secondary); and~~

~~(c) External floating roof tanks storing waxy, heavy pour crudes.~~

~~Rule 19.1006 Severability~~

~~If any provision of the Rules for the Control of Volatile Organic Compounds or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Rules for the Control of Volatile Organic Compounds which can be given effect without the invalid provision or application, and to this end, the provisions of the Rules for the Control of Volatile Organic Compounds are declared to be severable.~~

CHAPTER 11: MAJOR SOURCE PERMITTING PROCEDURES

~~Facilities~~ An owner or operator of a Part 70 source subject to ~~Arkansas Pollution Control and Ecology Commission's~~ Rule 26~~, Rules of the Arkansas Operating Air Permit Program, (Rule 26)~~ shall be required to have their permit applications processed in accordance with the procedures contained in Rule 26 ~~which are hereby incorporated by reference~~.

CHAPTER 12: [RESERVED]

CHAPTER 13: STAGE I VAPOR RECOVERY

Rule 19.1301 Purpose

The purpose of this chapter is to limit emissions of ~~VOC~~ volatile organic compounds from gasoline stored in stationary dispensing tanks and from gasoline delivered into such tanks.

Rule 19.1302 Applicability

This rule applies to all gasoline dispensing facilities and gasoline service stations and to delivery vessels delivering gasoline to a gasoline dispensing facility or gasoline service station in a nonattainment area; and this rule applies to all persons owning or operating a gasoline distribution facility or gasoline service station in a nonattainment area.

Rule 19.1303 Definitions

(A) "Coaxial system" means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tanks occurs through a single coaxial fill tube, ~~which~~that is a tube within a tube. Product is delivered through the inner tube, and vapor is recovered through the annular space between the walls of the inner tube and outer tube.

(B) "Delivery vessel" means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.

(C) "Dual point system" means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tank occurs through two separate openings in the storage tank and two separate hoses between the tank truck and the stationary storage tank.

(D) "Gasoline" means any petroleum distillate or blend of petroleum distillates with other combustible liquids that is used as a fuel for internal combustion engines and has a Reid vapor pressure of 4.0 psi or greater. This does not include diesel fuel or liquefied petroleum gas (LPG).

(E) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(F) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.

(G) "Independent small business marketer" means a person engaged in the marketing of gasoline unless such person:

(1) (a) is a refiner, or

(b) controls, is controlled by, or is under common control with, a refiner, or

(c) is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner, unless the sole affiliation referred to is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person; or

(2) receives less than 50 percent of his or her annual income from refining or marketing of gasoline.

(3) For purposes of this rule, the term "refiner" shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day. For purposes of this section, "control" of a corporation means ownership of more than 50 percent of its stock.

(H) "Leak free" means a condition in which there is no liquid gasoline escape or seepage of more than three (3) drops per minute from gasoline storage, handling, and ancillary equipment, including, but not limited to, seepage and escapes from above ground fittings.

(I) "Line" means any pipe suitable for transferring gasoline.

(J) "Nonattainment area" means a county or counties designated by EPA as not meeting the ~~NAAQS~~ national ambient air quality standards for ozone.

(K) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.

(L) "Owner" means any person who has legal or equitable title to the gasoline storage tank at a facility.

(M) "Poppeted vapor recovery adaptor" means a vapor recovery adaptor that automatically and immediately closes itself when the vapor return line is disconnected and maintains a tight seal when the vapor return line is not connected.

(N) "Stationary storage tank" means a gasoline storage container that is a permanent fixture.

(O) "Submerged fill pipe" means any fill pipe with a discharge opening ~~which~~that is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid, or ~~which~~that is entirely submerged when the level of the liquid is:

(1) Six inches above the bottom of the tank if the tank does not have a vapor recovery adaptor; or

(2) Twelve (12) inches above the bottom of the tank if the tank has a vapor recovery adaptor. If the opening of the submerged fill pipe is cut at a slant, the distance is measured from the top of the slanted cut to the bottom of the tank.

(P) "Throughput" means the amount of gasoline dispensed at a facility.

(Q) "Vapor tight" means a condition in which an organic vapor analyzer or a combustible gas detector at a potential ~~VOC~~ volatile organic compounds leak source shows either less than ten thousand (10,000) ~~ppm~~ parts per million when calibrated with methane, or less than twenty percent (20%) of the lower explosive limit when calibrated and operated according to the manufacturer's specifications.

Rule 19.1304 Exemptions

This rule does not apply to:

(A) Transfers made to storage tanks at gasoline dispensing facilities or gasoline service stations equipped with floating roofs or their equivalent.

(B) Stationary storage tanks with a capacity of not more than five hundred fifty (550) gallons, if the tanks are equipped with a submerged fill pipe.

(C) Stationary storage tanks used exclusively for the fueling of implements of normal farm operations.

(D) Facilities selling less than ten thousand (10,000) gallons of gasoline per month.

(E) Independent small business marketers of gasoline selling less than fifty thousand (50,000) gallons per month.

(F) Any other facility or use exempted by state or federal statute.

Rule 19.1305 Prohibited Activities

No person may cause, allow or permit the transfer of gasoline from any delivery vessel into any stationary storage tank unless such transfer complies with the following requirements:

(A) The stationary storage tank is equipped with a submerged fill pipe and the vapors displaced from the tank during filling are controlled by a vapor control system as described herein;

(B) The vapor control system is in good working order and is connected and operating with a vapor tight connection;

(C) The vapor control system is properly maintained and any damaged or malfunctioning components or elements of design have been repaired, replaced or modified;

(D) Gauges, meters, or other specified testing devices are maintained in proper working order;

(E) All loading lines and vapor lines of delivery vessels and vapor collection systems are equipped with fittings ~~which~~that are leak tight and vapor tight;

(F) All hatches on the delivery vessel are kept closed and securely fastened; and

(G) The stationary storage tank has been tested, no less than annually, on a schedule acceptable to the Director according to the test methods required herein.

Rule 19.1306 Record Keeping

The following records shall be maintained for not less than two (2) years and the same shall be made available for inspection by the Division:

(A) The scheduled date for maintenance and testing, and the date that a malfunction was detected;

(B) The date the maintenance and testing was performed or the malfunction corrected; and

(C) The date the component or element of design of the control system was repaired, replaced, or modified.

(D) Monthly totals of gallons of gasoline sold by the facility.

Rule 19.1307 Inspections

(A) The premises of any gasoline dispensing facility or gasoline service station shall be available for inspection by representatives of the Division.

(B) The process of transfer of gasoline from any delivery vessel into any stationary storage tank shall be subject to observation and inspection by representatives of the Division.

Rule 19.1308 Vapor Recovery Systems

(A) The vapor control system required by Rule 19.1305 of this rule shall include one or more of the following:

(1) A vapor-tight line from the stationary storage tank to the delivery vessel and:

(a) For a coaxial vapor recovery system, either a poppeted or unpoppeted vapor recovery adaptor;

(b) For a dual point vapor recovery system, a poppeted vapor recovery adaptor;

(2) A refrigeration-condensation system or equivalent designed to recover or destroy at least 90 percent by weight of the organic compounds in the displaced vapor.

(B) If an unpoppeted vapor recovery adaptor is used, the tank liquid fill connection shall remain covered either with a vapor-tight cap or a vapor return line except when the vapor return line is being connected or disconnected.

(C) If an unpoppeted vapor recovery adaptor is used, the unpoppeted vapor recovery adaptor shall be replaced with a poppeted vapor recovery adaptor when the tank is replaced or upgraded.

(D) Where vapor lines from the storage tanks are manifolded, poppeted vapor recovery adapters shall be used. No more than one tank is to be loaded at a time if the manifold vapor lines have a nominal pipe size of less than three (3) inches. If the manifold vapor lines have a nominal pipe size of three (3) inches or larger, then two tanks at a time may be loaded.

(E) Vent lines on stationary storage tanks shall have pressure release valves or restrictors.

Rule 19.1309 Gasoline Delivery Vessels

(A) Gasoline delivery vessels shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport.

(B) Gasoline delivery vessels shall be tested, no less than annually, on a schedule acceptable to the Director according to the test methods required herein.

(C) Gasoline delivery vessels shall sustain a pressure change of no more than 750 pascals (3 in. of H_2O) in five (5)minutes when pressurized to a gauge pressure of 4,500 pascals (18 in. of H_2O) or evacuated to a gauge pressure of 1,500 pascals (6 in. of H_2O) during testing.

Rule 19.1310 Owner/Operator Responsibility

(A) It shall be the responsibility of owners and operators of gasoline dispensing facilities and gasoline service stations to assure compliance with this rule and to disallow the transfer from any delivery vessel that does not comply with those requirements of this rule applicable to delivery vessels.

(B) It shall be the responsibility of owners, operators and drivers of delivery vessels to assure compliance with this rule and to refuse to transfer from any delivery vessel that does not comply with those requirements of this rule applicable to delivery vessels.

(C) It shall be the responsibility of owners and operators of gasoline dispensing facilities and gasoline service stations to properly maintain, repair, replace, modify, and test the vapor recovery system components of stationary storage tanks regulated herein.

(D) It shall be the responsibility of owners and operators of gasoline dispensing facilities, gasoline service stations, and gasoline delivery vehicles to repair and retest equipment within fifteen (15) days of a test that exceeds the limitations set forth herein.

Rule 19.1311 Test Methods

(A) Test method for leak detection:

(1) Within four (4) hours prior to monitoring, the organic vapor analyzer or combustible gas detector shall be suitably calibrated in a manner and with the gas specified by the manufacturer for twenty percent (20%) of the lower explosive limit response, or calibrated with methane for a ten thousand (10,000) ~~ppm~~ parts per million response.

(2) The probe inlet shall be two and one-half (2.5) centimeters or less from the potential leak source when searching for leaks.

(3) The highest detector reading and location for each incident of detected leakage shall be recorded, along with the date, time and name of the person performing the testing. If no gasoline vapor is detected, that fact shall be recorded.

(B) Control efficiency of vapor recovery systems and vapor collection/processing systems shall be determined according to EPA Method 2A and either EPA Method 25A or 25B. EPA Method 2B shall be used for vapor incineration devices.

(C) Vapor pressure of gasoline shall be determined using American Society for Testing and Materials (ASTM) Method D323-94 or ASTM Method D4953-93. Method D323-94 shall be used for gasoline either containing no oxygenates or MTBE (methyl ethyl butyl ether) as the sole oxygenate. Method D-4953-93 shall be used for oxygenated gasoline.

Rule 19.1312 Effective Date

(A) The requirements of this rule shall be effective within nonattainment areas one (1) year after the designation by EPA of an area as a nonattainment area.

(B) In the case of an independent small business marketer with sales of fifty thousand (50,000) gallons or more per month, this rule shall be phased-in as follows:

(1) Thirty-three percent (33%) ~~percent~~ of facilities shall be in compliance at the end of the first year;

(2) Sixty-six percent (66%) ~~percent~~ at the end of the second year; and,

(3) One hundred percent (100%) ~~percent~~ at the end of the third year.

CHAPTER 14: ~~CAIR NO_x OZONE SEASON TRADING PROGRAM GENERAL PROVISIONS~~ [RESERVED]

~~Rule 19.1401 Adoption of Rules~~

~~40 C.F.R. Part 96, Subparts AAAA-HHHH for the CAIR NO_x Ozone Season Trading Program, as finalized by the EPA on May 12, 2005, and further revised by EPA on April 28, 2006, with correcting amendments on December 13, 2006, and on October 19, 2007, are herein incorporated by reference with the exception of Subpart EEEE (CAIR NO_x Ozone Season Allowance Allocations) and all references to CAIR NO_x Ozone Season Opt-in Units, which, along with Subpart IIII (CAIR NO_x Ozone Season Opt-in Units), are not incorporated. The following replace 40 C.F.R. § 96 Subpart EEEE.~~

~~Rule 19.1402 State Trading Budget~~

~~The Arkansas State trading budgets for annual allocations for CAIR NO_x Ozone Season allowances have been set by EPA as follows: for the control periods of 2009 through 2014, 11,515 tons per control period; and for the control periods for 2015 and beyond, 9,596 tons per control period. The total number of allowances allocated by the State of Arkansas shall not exceed these budgets for their respective control periods.~~

~~Rule 19.1403 Timing Requirements for CAIR NO_x Ozone Season Allowance Allocations~~

~~(A) For EGUs allocated allowances under Rule 19.1404(B) and (C), the Division will determine and notify the Administrator of each unit's allocation of CAIR NO_x Ozone Season allowances by April 30, 2007, for 2009, 2010, and 2011 and by October 31, 2008, and October 31 of each year thereafter for the 4^{th} year after the notification deadline.~~

~~(B) For EGUs allocated allowances under Rule 19.1404(D), the Division will determine and notify the Administrator of each unit's allocation of CAIR NO_x Ozone Season allowances by July 31 of the year for which the CAIR NO_x Ozone Season allowances are allocated.~~

~~Rule 19.1404 CAIR NO_x Ozone Season Allowance Allocations~~

~~(A) The baseline gross electric generation (in MWh) used with respect to CAIR NO_x Ozone Season allowance allocations under Rule 19.1404(B) for each CAIR NO_x Ozone Season unit that has operated each calendar year during a period of five (5) or more consecutive calendar years, the average of the three (3) highest amounts of the unit's control period gross electrical output over the five (5) years immediately preceding the year in which allocations are due to EPA, provided that gross electrical output of a generator served by two or more units will be attributed to each unit in proportion to each unit's share of the total control period heat input of such units for the year. For the allocations allocated for~~

2009, 2010, 2011, baseline data will be determined using gross electrical output for years 2000 through 2004.

(B) With regard to the timing requirements contained in Rule 19.1403, for each control period in 2009 and thereafter, the Division will allocate to all CAIR NO_x Ozone Season units in the State that have baseline gross electric generation (as determined under Rule 19.1404(A)) a total amount of CAIR NO_x Ozone Season allowances equal to 95 percent for a control period, of the tons of NO_x emissions in the State trading budget under Rule 19.1402 (except as provided in Rule 19.1404(E)).

(C) The Division will allocate CAIR NO_x Ozone Season allowances to each CAIR NO_x Ozone Season unit under Rule 19.1404(B) in an amount determined by multiplying the total amount of CAIR NO_x Ozone Season allowances allocated under Rule 19.1404(B) by the ratio of the baseline gross electric generation of such CAIR NO_x Ozone Season unit to the total amount of baseline gross electric generation of all such CAIR NO_x Ozone Season units in the State and rounding to the nearest whole allowances as appropriate.

(D) For each control period in 2009 and thereafter, the Division will allocate CAIR NO_x Ozone Season allowances to CAIR NO_x Ozone Season units in the State that do not yet have a baseline gross electric generation (as determined under Rule 19.1404(A)), in accordance with the following procedures:

(1) The Division will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated CAIR NO_x Ozone Season allowances equal to five percent (5%) of the amount of tons of NO_x emissions in the State trading budget under Rule 19.1402.

(2) The CAIR designated representative of such a CAIR NO_x Ozone Season unit may submit to the Division a request, in a format specified by the Division, to be allocated CAIR NO_x Ozone Season allowances, starting with the later of the control period in 2009 or the first control period after the control period in which the CAIR NO_x Ozone Season unit commences commercial operation and until the first control period for the which the unit is allocated CAIR NO_x Ozone Season allowances under Rule 19.1404(B). The CAIR NO_x Ozone Season allowance allocation request must be submitted on or before January 1 of the first control period for which the CAIR NO_x Ozone Season allowances are requested and after the date on which the CAIR NO_x Ozone Season unit commences commercial operation.

(3) In a CAIR NO_x Ozone Season allowance allocation request under Rule 19.1404(D)(2), the CAIR designated representative may request for a control period CAIR NO_x Ozone Season allowances in an amount not exceeding the

~~CAIR NO_x Ozone Season unit's total tons of NO_x emissions during the control period immediately before such control period.~~

~~(4) The Division will review each CAIR NO_x Ozone Season allowance allocation request under Rule 19.1404(D)(2) and will allocate CAIR NO_x Ozone Season allowances for each control period pursuant to such request as follows:~~

~~(a) The Division will accept an allowance allocation request only if the request meets, or is adjusted by the Division as necessary to meet, the requirements of Rule 19.1404(D)(2) and (3).~~

~~(b) On or after February 1 of the control period, the Division will determine the sum of the CAIR NO_x Ozone Season allowances requested (as adjusted under Rule 19.1404(D)(4)(a)) for the control period.~~

~~(c) If the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period is greater than or equal to the sum under Rule 19.1404 (D)(4)(b), then the Division will allocate the amount of CAIR NO_x Ozone Season allowances requested (as adjusted under Rule 19.1404 (D)(4)(a)) to each CAIR NO_x Ozone Season unit covered by Rule 19.1404 (D)(4)(a).~~

~~(d) If the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period is less than the sum under Rule 19.1404 (D)(4)(b), then the Division will allocate to each CAIR NO_x Ozone Season unit covered by an allowance allocation request accepted under Rule 19.1404 (D)(4)(a) the amount of the CAIR NO_x Ozone Season allowances requested (as adjusted under Rule 19.1404 (D)(4)(a)), multiplied by the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period, divided by the sum determined under Rule 19.1404 (D)(4)(b), and rounded to the nearest whole allowance as appropriate.~~

~~(e) The Division will notify each CAIR designated representative that submitted an allowance allocation request of the amount of CAIR NO_x Ozone Season allowances (if any) allocated for the control period to the CAIR NO_x Ozone Season unit covered by the request.~~

~~(E) If, after completion of the procedures under Rule 19.1404(D)(4) for a control period, any unallocated CAIR NO_x Ozone Season allowances remain in the new unit set-aside for the control period, the Division will allocate to each CAIR NO_x Ozone Season unit that was allocated CAIR NO_x Ozone Season allowances under Rule 19.1404 (B) an amount of CAIR NO_x Ozone Season allowances equal to the total amount of such remaining~~

~~unallocated CAIR NO_x Ozone Season allowances, multiplied by the unit's allocation under Rule 19.1404(B), divided by ninety-five percent (95%) of the amount of tons of NO_x emissions in the State trading budget under Rule 19.1402, and rounded to the nearest whole allowance as appropriate.~~

CHAPTER 15: ~~REGIONAL HAZE~~ BEST AVAILABLE RETROFIT TECHNOLOGY

Rule 19.1501 Purpose

~~The purpose of this chapter is to~~ This Chapter ~~establish~~establishes certain best available retrofit control technology requirements and compliance provisions pursuant to the 40 C.F.R. § 51.308 as of June 22, 2007~~regional haze program requirements~~.

Rule 19.1502 Definitions

For purposes of this~~ chapter~~ Chapter ~~only,~~ the definitions contained in 40 C.F.R. § 51.301 as in effect on June 22, 2007~~,~~ are ~~hereby~~ incorporated by reference.

Rule 19.1503 ~~BART Eligible Sources~~[RESERVED]

~~The following are BART-eligible sources:~~

~~BART Source Category Number and Name~~	~~Facility Name~~	~~AFIN~~	~~Unit ID~~	~~Unit Description~~
~~1. Fossil fuel-fired Electric Plants > 250 million British thermal units (MMbtu)/hour - Electric Generating Units (EGUs)~~	~~Arkansas Electric Coop - Carl E. Bailey~~	~~74-00024~~	~~SN-01~~	~~Boiler~~
	~~Arkansas Electric Coop - John L. McClelland Generating Station~~	~~52-00055~~	~~SN-01~~	~~Boiler~~
	~~Entergy Arkansas, Inc. - Lake Catherine Plant~~	~~30-00011~~	~~SN-03~~	~~Unit 4 Boiler~~
	~~Entergy Arkansas - Ritchie~~	~~54-00017~~	~~SN-02~~	~~Unit 2~~
	~~Entergy Arkansas, Inc. - White Bluff~~	~~35-00110~~	~~SN-01~~	~~Unit 1 Boiler~~
			~~SN-02~~	~~Unit 2 Boiler~~
			~~SN-05~~	~~Auxiliary Boiler~~
	~~SWEPCO Flint Creek Power Plant~~	~~04-00107~~	~~SN-01~~	~~Boiler~~

3. Kraft Pulp Mills	Domtar Industries, Inc. – Ashdown Mill	41-00002	SN-03	#1 Power Boiler
			SN-05	#2 Power Boiler
	Delta Natural Kraft and Mid America Packaging, LLC.	35-00017	SN-02	Recovery Boiler
	Evergreen Packaging Inc., Pine Bluff Mill	35-00016	SN-04	#4 Recovery Boiler
	Georgia-Pacific Corporation – Crossett Paper Operations	02-00013	SN-19	6A Boiler
			SN-22	9A Boiler
	Green Bay Packaging, Inc. – Arkansas Kraft Division	15-00001	SN-05A	Recovery Boiler
	Potlatch Forest Products Corporation – Cypress Bend Mill	21-00036	SN-04	Power Boiler
11. Petroleum Refineries	Lion Oil Company	70-00016	SN-809	#7 Catalyst Regenerator
15. Sulfur Recovery Plant	Albermarle Corporation – South Plant	14-00028	SR-01	Tail Gas Incinerator
19. Sintering Plants	Big River Industries	18-00082	SN-01	Kiln A
21. Chemical Processing Plants	Albermarle Corporation – South Plant	14-00028	BH-01	Boiler #1
			BH-02	Boiler #2
	FutureFuels Chemical Co.	32-00036	6M01-01	3 Coal Boilers
	El Dorado Chemical Company	70-00040	SN-08	West Nitric Acid Plant
			SN-09	East Nitric Acid Plant
			SN-10	Nitric Acid Concentrator

Rule 19.1504 ~~Facilities Subject to BART~~[RESERVED]

~~(A) The following sources are subject to BART:~~

~~AFIN~~	~~Facility Name~~	~~Source #~~	~~Source Name~~
~~74-00024~~	~~Arkansas Electric Cooperative Corporation Carl E. Bailey Generating Station~~	~~SN-01~~	~~Boiler~~
~~52-00055~~	~~Arkansas Electric Cooperative Corporation John L. McClellan Generating Station~~	~~SN-01~~	~~Boiler~~
~~41-00002~~	~~Domtar Industries, Inc. Ashdown Mill~~	~~SN-03~~	~~#1 Power Boiler~~
		~~SN-05~~	~~#2 Power Boiler~~
~~30-00011~~	~~Entergy Arkansas, Inc. Lake Catherine Plant~~	~~SN-03~~	~~Unit 4 Boiler~~
~~35-00110~~	~~Entergy Arkansas, Inc. White Bluff~~	~~SN-01~~	~~Unit 1 Boiler~~
		~~SN-02~~	~~Unit 2 Boiler~~
		~~SN-05~~	~~Auxiliary Boiler~~
~~04-00107~~	~~SWEPCO Flint Creek Power Plant~~	~~SN-01~~	~~Boiler~~

~~(B) Each source subject to BART shall install and operate BART as expeditiously as practicable, but in no event later than 6 years after the effective date of this rule or five (5) years after EPA approval of the Arkansas Regional Haze State Implementation Plan, whichever comes first.~~

~~(C) Each source subject to BART shall maintain the control equipment required by this chapter and establish procedures to ensure such equipment is properly operated and maintained.~~

Rule 19.1505 ~~BART~~Best Available Retrofit Technology Requirements

(A) ~~On or before the compliance date required under Rule 19.1504(B), SWEPCO Flint Creek Power Plant, SN-01 shall comply with BART by meeting the following emission limits:~~

~~(1) 0.15 pounds of sulfur dioxide (SO_2) per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.23 pounds of nitrogen oxides (NO_x) per million Btu of heat input (0.23 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit satisfies the BART particulate matter requirement.~~

SWEPCO Flint Creek Power Plant (AFIN 04-00107) shall comply with best available retrofit technology requirements for particulate matter at SN-01 by meeting the existing permitted particulate matter emission limit as of October 15, 2007.

~~(A) On or before the compliance date required under Reg. 19.1504(B), Arkansas Electric Cooperative Corporation Carl E. Bailey Generating Station, SN-01 shall comply with BART by burning fuel oil that has a 1% or less sulfur content by weight.~~

(B) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Arkansas Electric Cooperative Corporation John L. McClellan Generating Station, SN-01 shall comply with BART by burning fuel oil that has a 1% or less sulfur content by weight.~~

(C) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #1 Power Boiler, SN-03 shall comply with BART by meeting the following emission limits:~~

~~(1) 1.12 pounds of SO_2 per million Btu of heat input (1.12 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.46 pounds of NO_x per million Btu of heat input (0.46 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) 0.07 pounds of PM_{10} per million Btu of heat input (0.07 lb/MMBtu) on a 30-day rolling average.~~

(D) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #2 Power Boiler, SN-05 shall comply with BART by meeting the following emission limits:~~

~~(1) 1.20 pounds of SO_2 per million Btu of heat input (1.20 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.450 pounds of NO_x per million Btu of heat input (0.450lb/MMBtu) on a 30-day rolling average; and~~

~~(3) 0.10 pounds of PM_{10} per million Btu of heat input (0.10 lb/MMBtu) on a 30-day rolling average.~~

(E) ~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 1 Boiler, SN-01 shall comply with BART by meeting the following emission limits when burning bituminous coal:~~

~~(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.28 pounds of NO_x per million Btu of heat input (0.28 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirement.~~

Entergy Arkansas, Inc. White Bluff (AFIN 35-00110) shall comply with best available retrofit technology requirements for particulate matter at Unit 1 (SN-01) and Unit 2 (SN-02) by meeting existing permitted particulate matter emission limits for the respective units as of October 15, 2007.

(F) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 1 Boiler, SN-01 shall comply with BART by meeting the following emission limits when burning sub-bituminous coal:~~

~~(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.15 pounds of NO_x per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

(G) [RESERVED]~~When burning a mix of bituminous coal and sub-bituminous coal in the Unit 1 Boiler at Entergy Arkansas, Inc. – White Bluff the NO_x BART limits shall be prorated using the percentage of each of coal being burned.~~

(H) ~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 2 Boiler, SN-02 shall comply with BART by meeting the following emission limits when burning bituminous coal:~~

~~(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.28 pounds of NO_x per million Btu of heat input (0.28 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

Entergy Arkansas, Inc. White Bluff (AFIN 35-00110) shall comply with best available retrofit technology requirements for particulate matter at Unit 1 (SN-01) and Unit 2 (SN-02) by meeting existing permitted particulate matter emission limits for the respective units as of October 15, 2007.

(I) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 2 Boiler, SN-02 shall comply with BART by meeting the following emission limits when burning sub-bituminous coal:~~

~~(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;~~

~~(2) 0.15 pounds of NO_x per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average; and~~

~~(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

(J) [RESERVED]~~When burning a mix of bituminous coal and sub-bituminous coal in the Unit 2 Boiler at Entergy Arkansas, Inc. – White Bluff the NO_x BART limits shall be prorated using the percentage of each of coal being burned.~~

(K) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, auxiliary boiler, SN-05 shall comply with BART by restricting operation to not more than 4360 hours annually.~~

(L) ~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – Lake Catherine Plant, Unit 4 Boiler, SN-03 shall comply with BART by meeting the following emission limits when burning natural gas:~~

~~(1) 0.15 pounds of NO_x per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average; and~~

~~(2) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.~~

Entergy Arkansas, Inc. Lake Catherine (AFIN 30-00011) shall comply with best available retrofit technology requirements for particulate matter when burning natural gas at Unit 4 Boiler (SN-03) by meeting the existing permitted particulate matter emission limit as of October 15, 2007.

(M) [RESERVED]~~On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – Lake Catherine Plant, Unit 4 Boiler, SN-03 shall comply with BART by meeting the following emission limits when burning oil:~~

~~(1) 0.562 pounds of SO_2 per million Btu of heat input (0.562 lb/MMBtu) on a 30 day rolling average;~~

~~(2) 0.25 pounds of NO_x per million Btu of heat input (0.25 lb/MMBtu) on a 30 day rolling average; and~~

~~(3) 0.037 pounds of $PM_{2.5}$ per million Btu of heat input (0.037 lb/MMBtu) on a 30 day rolling average.~~

Rule 19.1506 Compliance Provisions

~~Each facility listed in Reg.19.1504(A) as being subject to BART shall demonstrate compliance with the BART limits listed in 19.1505 in accordance with the provisions of Chapter 7 of this regulation.~~

The owner or operator of each stationary source subject to Rule 19.1505 shall:

(A) Comply with the applicable emission limit as expeditiously as practicable, but in no event later than five (5) years after EPA approval of the emission limit into the Arkansas state implementation plan;

(B) Properly operate and maintain the control equipment necessary to comply with the applicable emission limitations set forth in Rule 19.1505;

(C) Establish and implement procedures to ensure that the control equipment necessary to comply with the applicable emission limitations set forth in Rule 19.1505 is properly operated and maintained; and

(D) Demonstrate compliance with the applicable emission limitations listed in Rule 19.1505 in accordance with the provisions of Chapter 7 of Rule 19.

Rule 19.1507 ~~Permit Reopening~~[RESERVED]

~~The Part 70 permit of each facility subject to BART shall be subject to re-opening in accordance with section 26.1011(A) of Arkansas Pollution Control and Ecology Commission Rule 26.~~

CHAPTER 16: ~~EFFECTIVE DATE~~[RESERVED]

Rule 19.1601 ~~Effective Date~~[RESERVED]

~~This rule is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.~~

CHAPTER 17: 111(D) REQUIREMENTS FOR LANDFILLS

Rule 19.1701 Purpose

This Chapter establishes standards of performance, monitoring, recordkeeping, and reporting requirements for the control of designated pollutants from municipal solid waste landfills pursuant to 40 C.F.R. Part 60 Subpart Cf. Requirements under this Chapter shall not affect an owner's or operator's requirements under Rule 22.

Rule 19.1702 Definitions

For the purposes of this Chapter, the definitions in 40 C.F.R. § 60.41f are incorporated by reference except the definition of NMOC. NMOC means nonmethane organic compounds, as measured according to the provisions of 40 C.F.R § 60.35f.

Rule 19.1703 Applicability

This Chapter applies to each municipal solid waste landfill that:

(A) Accepted waste after November 8, 1987, or has capacity for future waste deposition; and

(B) Commenced construction, reconstruction, or modification on or before July 17, 2014.

Rule 19.1704 Requirement to Obtain a Permit

(A) The owner or operator of a municipal solid waste landfill subject to this Chapter with a design capacity greater than or equal to two and one-half million (2,500,000) megagrams or two and one-half million (2,500,000) million cubic meters and that is not otherwise subject to Part 70 shall obtain a Part 70 permit in accordance with the procedures of Rule 26 by no later than ninety (90) days after the effective date of EPA approval of this Chapter.

(B) The owner or operator of a municipal solid waste landfill subject to this Chapter with a design capacity less than two and one-half million (2,500,000) megagrams or two and one-half million (2,500,000) cubic meters is not subject to the requirement to obtain a Part 70 permit under this Chapter and may instead obtain a permit in accordance with Rule 19 if the municipal solid waste landfill is not otherwise subject to Part 70.

(C) If a municipal solid waste landfill subject to this Chapter becomes a closed landfill and is not otherwise subject to Part 70, the owner or operator is no longer subject to the requirement to maintain a Part 70 permit if the following conditions are met:

(1) The landfill was never subject to the requirement to install, maintain, and operate a gas collection and control system under 40 C.F.R. § 60.33f; or

(2) The landfill meets the conditions for control system removal or decommissioning specified in 40 C.F.R. § 60.33f(f).

(D) Physical or operational changes made to a municipal solid waste landfill subject to this Chapter are not considered a modification or reconstruction under this Chapter if the changes are made solely to comply with this Chapter.

(E) The permit of each municipal solid waste landfill subject to this Chapter shall be subject to re-opening to incorporate the applicable requirements of this Chapter in accordance with the procedures of Rule 19 for municipal solid waste landfills not subject to the requirement to obtain a Part 70 permit, or in accordance with the procedures of Rule 26 for municipal solid waste landfills required to obtain a Part 70 permit.

Rule 19.1705 Exemption from Reporting Requirements for Closed Landfills

The owner or operator of a closed landfill subject to this Chapter is not subject to the requirement to submit the following reports if the owner or operator submitted the reports to the Division or EPA under the provisions of 40 C.F.R. § 60 Subpart WWW or 40 C.F.R. § 62 Subpart GGG on or before July 17, 2014:

(A) Initial design capacity report required under Rule 19.1706(A);

(B) Initial or subsequent NMOC emission rate report required under Rule 19.1707, if the most recent NMOC emission rate report indicated the NMOC emissions were below fifty (50) megagrams per year;

(C) Collection and control system design plan required under Rule 19.1710;

(D) Closure report required under Rule 19.1713;

(E) Equipment removal report required under Rule 19.1713;

(F) Initial annual report required under Rule 19.1712, and

(G) Initial performance test report required under Rule 19.1712.

Rule 19.1706 Design Capacity Reports

For each municipal solid waste landfill subject to this Chapter having a design capacity less than two and one-half million (2,500,000) megagrams by mass or two and one-half million (2,500,000) cubic meters by volume, the owner or operator shall:

(A) Submit to the Division an initial design capacity report that meets the requirements of 40 C.F.R. § 60.38f(a).

(1) The owner or operator may calculate design capacity in either megagrams or cubic meters for comparison with the exemption values.

(2) The owner or operator shall document and submit any density conversions with the design capacity report.

(B) If the maximum design capacity of a landfill increases such that the maximum design capacity is equal to or exceeding two and one-half million (2,500,000) megagrams by mass or two and one-half million (2,500,000) cubic meters by volume,

(1) The owner or operator shall submit to the Division an amended design capacity report within ninety (90) days of the increase in maximum design capacity; and

(2) The owner or operator shall obtain a Part 70 permit in accordance with the procedures of Rule 26 and comply with Rule 19.1707 and Rule 19.1708.

Rule 19.1707 NMOC Emission Rate Reports

(A) For each municipal solid waste landfill subject to this Chapter having a design capacity equal to or exceeding two and one-half million (2,500,000) megagrams by mass or two and one-half million (2,500,000) cubic meters by volume, the owner or operator shall:

(1) Prepare an initial NMOC emission rate report using the emission rate calculation procedures specified in 40 C.F.R. § 60.35f(a);

(2) Recalculate the NMOC emission rate annually in accordance with the procedures specified in 40 C.F.R. § 60.35f(a), except as provided in 40 C.F.R. § 60.38f(c)(3); and

(3) Follow the procedures specified in 40 C.F.R. § 60.33f(e)(1) through (3).

(B) For demonstrations using the Tier 4 provisions of 40 C.F.R. § 60.35f(a)(6), the owner or operator shall notify the Division of the date(s) upon which the owner or operator intends to demonstrate that site-specific surface methane emissions are below five hundred (500) parts per million methane.

(1) The notification shall include a description of the wind barrier to be used during the surface emission monitoring described in the notification.

(2) The notification must be postmarked, or delivered to the Division, not less than thirty (30) days prior to the date(s) on which surface emissions monitoring is scheduled to occur.

Rule 19.1708 Standards of Performance

(A) Requirement to install, maintain, and operate a gas collection and control system

The owner or operator of a municipal solid waste landfill subject to this Chapter shall install, maintain, and operate a collection and control system meeting the requirements specified in 40 C.F.R. § 60.33f(b)(1) through (3) and 40 C.F.R. § 60.33f(c)(1) through (4), except as provided in 40 C.F.R. § 60.24, within thirty (30) months after:

(1) The first NMOC emission rate report for a landfill in which the NMOC emission rate equals or exceeds thirty-four (34) megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than thirty-four (34) megagrams per year;

(2) The first NMOC emission rate report in the closed landfill subcategory in which the NMOC emission rate equals or exceeds fifty (50) megagrams per year, unless Tier 2 or Tier 3 sampling demonstrates that the NMOC emission rate is less than fifty (50) megagrams per year; or

(3) The most recent NMOC emission rate report in which the NMOC emission rate equals or exceeds thirty-four megagrams per year based on Tier 2, if the Tier 4 surface emission monitoring shows a surface methane emission concentration of five hundred (500) parts per million methane or greater.

(B) Collection system standards

The owner or operator shall ensure that each collection system installed to comply with this Chapter shall meet the requirements specified in:

(1) 40 C.F.R. § 60.33f(b)(2) and 40 C.F.R. § 60.40f(a) through (c) for active collection systems; or

(2) 40 C.F.R. § 60.33f(b)(3) for passive collection systems.

(C) Control system standards

The owner or operator shall ensure that each control system installed to comply with this Chapter shall meet the requirements specified in 40 C.F.R. § 60.33f(c)(1) through (4) except as provided in 40 C.F.R. § 60.24.

(D) Collection and control system removal requirements

A collection and control system required under this Chapter may be capped, removed, or decommissioned if the criteria specified in 40 C.F.R. § 60.33f(f)(1) through (4) are met.

Rule 19.1709 Compliance Schedule and Increments of Progress for Gas Collection and Control Systems

(A) The owner or operator of each municipal solid waste landfill subject to the requirement to install and operate a gas emission collection and control system pursuant to this Chapter shall complete planning, awarding, of contracts, installing, and starting up municipal solid waste landfill gas emission collection and control equipment within thirty (30) months after the date an NMOC emission rate report shows:

(1) NMOC emissions equal to or exceeding thirty-four (34) megagrams per year for active landfills;

(2) NMOC emissions equal to or exceeding fifty (50) megagrams per year for closed landfills; or

(3) A methane surface emission concentration equal to or exceeding five hundred (500) parts per million based on Tier 4 surface emissions monitoring.

(B) The owner or operator of each municipal solid waste landfill subject to this Chapter shall comply with the increments of progress listed in Table 19.17.1.

Table 19.17.1 Increments of Progress

Increment	**Date if Using Tiers 1, 2, or 3**	**Date if Using Tier 4**
Increment 1: Submit final collection and control system design plan to the Division in accordance with Rule 19.1710	Twelve (12) months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions equal to or exceeding thirty-four (34) megagrams per year for active landfills or NMOC emissions equal to or exceeding fifty (50) megagrams for closed landfills	Twelve (12) months after the first measured concentration of methane of five hundred (500) parts per million or greater from the surface of the landfill

Increment 2: Submit notice to the Division that on-site construction of collection and control system has begun	Twenty-four (24) months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions equal to or exceeding thirty-four (34) megagrams per year for active landfills or NMOC emissions equal to or exceeding fifty (50) megagrams for closed landfills	Twenty-four (24) months after the first measured concentration of methane of five hundred (500) parts per million or greater from the surface of the landfill
Increment 3: Submit notice to the Division that on-site construction of collection and control system is complete	Thirty (30) months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions equal to or exceeding to thirty-four (34) megagrams per year for active landfills or NMOC emissions equal to or exceeding fifty (50) megagrams for closed landfills	Thirty (30) months after the first measured concentration of methane of five hundred (500) parts per million or greater from the surface of the landfill
Increment 4: Final compliance with Rule 19.1708	Thirty (30) months after initial NMOC emission rate report or the first annual emission rate report showing NMOC emissions equal to or exceeding to thirty-four (34) megagrams per year for active landfills or NMOC emissions equal to or exceeding fifty (50) megagrams for closed landfills	Thirty (30) months after the first measured concentration of methane of five hundred (500) parts per million or greater from the surface of the landfill

Rule 19.1710 Collection and Control System Design Plan

(A) The owner or operator shall submit to the Division a site-specific design plan for each gas collection and control system required under this Chapter. The collection and control system design plan shall be prepared and approved by a professional engineer and shall comply with the requirements specified in 40 C.F.R. § 60.38f(d)(1) – (7).

(B) The owner or operator of a municipal solid waste landfill who has already been required to submit a design plan under this Chapter, under 40 C.F.R. Part 60 Subpart WWW, or under 40 C.F.R. Part 62 Subpart GGG; must submit a revised design plan to the Division as specified in 40 C.F.R. § 60.38f(e)(1) and (2).

(C) Upon receipt of an initial or revised design plan, the Division shall review the information submitted and either approve it, disapprove it, or request that additional information be submitted. If the Division does not approve or disapprove the design plan, or does not request that additional information be submitted, within ninety (90) days of receipt, then the owner or operator may continue with implementation of the design plan at their own risk.

(D) If the owner or operator chooses to demonstrate compliance with the emission control requirements of this Chapter using a treatment system as defined in 40 C.F.R. § 60.41f, then the owner or operator shall prepare a site-specific treatment system monitoring plan that meets the requirements specified in 40 C.F.R. § 60.39f(b)(5).

Rule 19.1711 Operating, Compliance, and Monitoring Requirements for Gas Collection and Control Systems

(A) The owner or operator of a municipal solid waste landfill with a gas collection and control system used to comply with this Chapter shall meet the operating, compliance, and monitoring requirements of this Chapter by:

(1) Compliance with the requirements of 40 C.F.R. § 60.34f(a) through (g), 40 C.F.R. § 60.36f(a) through (e), and 40 C.F.R. § 60.37f(a) through (h); or

(2) Compliance with the requirements of 40 C.F.R. § 63.1958, 40 C.F.R. § 63.1960, and 40 C.F.R. § 63.1961.

(B) If the owner or operator chooses to demonstrate compliance with the requirements of this Chapter as provided under Rule 19.1711(A)(2), the owner or operator:

(1) Shall submit to the Division the twenty-four-hour high temperature report required under 40 C.F.R. § 63.1981(k); and

(2) May no longer use the provisions referenced in Rule 19.1711(A)(1) to comply with operating, compliance, and monitoring requirements of this Chapter.

Rule 19.1712 Performance Testing Reports

The initial and annual performance test report provisions specified in 40 C.F.R. § 60.38f(h) and (i) are incorporated by reference.

Rule 19.1713 Closure and Equipment Removal Reports

The closure report and equipment removal report provisions specified in 40 C.F.R. § 60.38f(f) and (g) are incorporated by reference.

Rule 19.1714 Liquids Addition Reports

The liquids addition reporting requirements specified in 40 C.F.R. § 60.38f(l) are incorporated by reference.

Rule 19.1715 Recordkeeping Requirements

The recordkeeping provisions specified in 40 C.F.R. § 60.39f(a) through (j) are incorporated by reference.

Rule 19.1716 Electronic Reporting of Certain Reports

The owner or operator of a municipal solid waste landfill subject to this Chapter shall submit, as applicable, the following reports electronically in accordance with the procedures specified in 40 C.F.R. § 60.38f(j):

(A) NMOC emission rate reports required under Rule 19.1707;

(B) Performance testing reports required under Rule 19.1712; and

(C) Liquids addition reports required under Rule 19.1714.

Rule 19.1717 Test Methods and Procedures

The test methods and procedures provisions specified in 40 C.F.R. § 60.35f(a) through (e) are incorporated by reference.

Rule 19.1718 Corrective Actions

The corrective action and the corresponding timeline requirements specified in 40 C.F.R. § 60.38f(k) are incorporated by reference.

CHAPTER 18: EFFECTIVE DATE

Rule 19.1801 Effective Date

Rule 19 is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

RULE 19

APPENDIX A

INSIGNIFICANT ACTIVITIES LIST

APPENDIX A: INSIGNIFICANT ACTIVITIES LIST

The following types of activities or emissions are deemed insignificant on the basis of size, emission rate, production rate, or activity. Certain of these listed activities include qualifying statements intended to exclude many similar activities. By such listing, the Division exempts certain sources or types of sources from the requirements to obtain a permit or plan under this rule. Listing in this part has no effect on any other law to which the activity may be subject. Any activity for which a state or federal applicable requirement applies (such as ~~NSPS~~ a new source performance standard, ~~National Emission Standards for Hazardous Air Pollutants [NESHAP]~~ a national emission standard for hazardous air pollutants, or ~~Maximum Achievable Control Technology [MACT]~~ maximum achievable control technology) is not insignificant, even if this activity meets the criteria below.

Group A

The following emission units, operations, or activities must either be listed as insignificant or included in the permit application as sources to be permitted. The ton-per-year applicability levels are for all sources listed in the categories (i.e., cumulative total).

1. Fuel burning equipment with a design rate less than ten (10) MMBtu per hour, provided that the aggregate air pollutant specific emissions from all such units listed as insignificant do not exceed five (5) tons per year ~~(tpy)~~ of any combination of ~~HAPs~~ hazardous air pollutants, ~~(~~75,000~~)~~ ~~tpy carbon dioxide,~~ and ten (10) ~~tpy~~ tons per year of any other air pollutant.

2. Storage tanks less than or equal to two hundred fifty (250) gallons storing organic liquids having a true vapor pressure less than or equal to three and one-half (3.5) ~~psia~~ pounds-force per square inch absolute, provided that the aggregate air pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants and ten (10) ~~tpy~~ tons per year of any other air pollutant.

3. Storage tanks less than or equal to ten thousand (10,000) gallons storing organic liquids having a true vapor pressure less than or equal to one-half (0.5) ~~psia~~ pounds-force per square inch absolute, provided that the aggregate air pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants and ten (10) ~~tpy~~ tons per year of any other air pollutant.

4. Caustic storage tanks that contain no ~~VOCs~~ volatile organic compounds.

5. Emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes provided that the aggregate air pollutant specific emissions from all such equipment/vents considered insignificant do not exceed five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants and ten (10) ~~tpy~~ tons per year of any other air pollutant.

6. Non-commercial water washing operations of empty drums less than or equal to fifty-five (55) gallons with less than three percent (3%) of the maximum container volume of material.

7. Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of ~~HAPs~~ hazardous air pollutants in excess of one-tenth (0.1) ~~tpy~~ tons per year.

8. Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable ~~VOCs~~volatile organic compounds or ~~HAPs~~ hazardous air pollutants when closed. This includes filling, blending, or mixing of the contents of such containers by a retailer.

9. Equipment used for surface coating, painting, dipping, or spraying operations, provided the material used contains no more than four-tenths (0.4) lb/gal ~~VOCs~~volatile organic compounds, no hexavalent chromium, and no more than one-tenth (0.1) ~~tpy~~ tons per year of all other ~~HAPs~~ hazardous air pollutants.

10. Non-production equipment approved by the Division, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than ten (10) ~~tpy~~ tons per year of any air pollutant regulated under this rule or less than two (2) ~~tpy~~ tons per year of a single ~~HAP~~ hazardous air pollutant or five (5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants.[1]

11. Operation of groundwater remediation wells, including emissions from the pumps and collection activities provided that the emissions are less than ten (10) ~~tpy~~ tons per year of any air pollutant regulated under this rule or less than two (2) ~~tpy~~ tons per year of a single ~~HAP~~ hazardous air pollutant or five (5) ~~tpy~~ tons per year of any combination of ~~HAP~~ hazardous air pollutants. This does not include emissions from air-stripping or storage.

12. Emergency use generators, boilers, or other fuel burning equipment that is of equal or smaller capacity than the primary operating unit, cannot be used in conjunction with the primary operating unit, and does not emit or have the potential to emit regulated air

[1] The treatability study or pollution prevention program must be approved separately. The activity creating the emissions must also be determined to be insignificant as discussed in the introduction to this group.

pollutants in excess of the primary operating unit and not operated more than ninety (90) days a year. This does not apply to generators ~~which~~that provide electricity to the distribution grid.

13. Other activities for which the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or rule provided that the emissions are less than ~~75,000 tpy carbon dioxide,~~ one (1) ~~tpy~~ ton per year of a single ~~HAP~~ hazardous air pollutant or two and one-half (2.5) ~~tpy~~ tons per year of any combination of ~~HAPs~~ hazardous air pollutants, or five (5) ~~tpy~~ tons per year of any other air pollutant regulated under this rule. These emission limits apply to the sum of all activities listed under this group.

Group B

The following emission units, operations, or activities need not be included in a permit application:

1. Combustion emissions from propulsion of mobile sources and emissions from refueling these sources unless regulated by Title II and required to obtain a permit under Title V of the ~~federal~~ Clean Air Act, as amended. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or fueling operations covered under any applicable federal requirements.

2. Air conditioning and heating units used for comfort that do not have applicable requirements under Title VI of the Clean Air Act.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

4. Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.

5. Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction.

6. Janitorial services and consumer use of janitorial products.

7. Internal combustion engines used for landscaping purposes.

8. Laundry activities, except for dry-cleaning and steam boilers.

9. Bathroom/toilet emissions.

10. Emergency (backup) electrical generators at residential locations.

11. Tobacco smoking rooms and areas.

12. Blacksmith forges.

13. Maintenance of grounds or buildings, including: lawn care, weed control, pest control, and water washing activities.

14. Repair, up-keep, maintenance, or construction activities not related to the source's primary business activity, and not otherwise triggering a permit modification. This may include, but is not limited to such activities as general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory, or insulation, brazing, soldering, the use of adhesives, grinding, and cutting.[2]

15. Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility whose primary business activity is surface-coating or includes surface-coating or products.

16. Portable electrical generators that can be "moved by hand" from one location to another.[3]

17. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.

18. Brazing or soldering equipment related to manufacturing activities that do not result in emission of ~~HAPs~~ hazardous air pollutants.[4]

19. Air compressors and pneumatically operated equipment, including hand tools.

20. Batteries and battery charging stations, except at battery manufacturing plants.

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[2] Cleaning and painting activities qualify if they are not subject to ~~VOC~~ volatile organic compounds or ~~HAP~~ hazardous air pollutant control requirements. Asphalt batch plant owners/operators must get a permit.

[3] "Moved by hand" means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

[4] Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit ~~HAP~~ hazardous air pollutant metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit ~~HAP~~ hazardous air pollutant metals are treated as trivial and listed separately in this appendix.

21. Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any ~~VOCs~~ volatile organic compounds or ~~HAPs~~ hazardous air pollutants.[5]

22. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and no volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.

23. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.

24. Drop hammers or presses for forging or metalworking.

25. Equipment used exclusively to slaughter animals, but not including other equipment at slaughter-houses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

26. Vents from continuous emissions monitors and other analyzers.

27. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

28. Hand-held applicator equipment for hot melt adhesives with no ~~VOCs~~ volatile organic compounds in the adhesive.

29. Lasers used only on metals and other materials ~~which~~that do not emit ~~HAPs~~ hazardous air pollutants in the process.

30. Consumer use of paper trimmers/binders.

31. Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.

32. Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this rule.

33. Laser trimmers using dust collection to prevent fugitive emissions.

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[5] Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

34. Bench-scale laboratory equipment used for physical or chemical analysis not including lab fume hoods or vents.

35. Routine calibration and maintenance of laboratory equipment or other analytical instruments.

36. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

37. Hydraulic and hydrostatic testing equipment.

38. Environmental chambers not using hazardous air pollutant gases.

39. Shock chambers, humidity chambers, and solar simulators.

40. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.

41. Process water filtration systems and demineralizers.

42. Demineralized water tanks and demineralizer vents.

43. Boiler water treatment operations, not including cooling towers.

44. Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to Section 112(r) of the Clean Air Act ~~as of July 1, 1997~~, for use in cooling towers, drinking water systems, and boiler water/feed systems.

45. Oxygen scavenging (de-aeration) of water.

46. Ozone generators.

47. Fire suppression systems.

48. Emergency road flares.

49. Steam vents and safety relief valves.

50. Steam leaks.

51. Steam cleaning operations.

52. Steam and microwave sterilizers.

53. Site assessment work to characterize waste disposal or remediation sites.

54. Miscellaneous additions or upgrades of instrumentation.

55. Emissions from combustion controllers or combustion shutoff devices but not combustion units itself.

56. Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of such vehicles (i.e. antifreeze, fuel additives).

57. Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps.

58. Emissions from equipment lubricating systems (i.e. oil mist), not including storage tanks, unless otherwise exempt.

59. Residential wood heaters, cookstoves, or fireplaces.

60. Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation.

61. Log wetting areas and log flumes.

62. Periodic use of pressurized air for cleanup.

63. Solid waste dumpsters.

64. Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks.

65. Natural gas odoring activities unless the Division determines that emissions constitute air pollution.

66. Emissions from engine crankcase vents.

67. Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release.

68. Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds where all materials charged are in paste form.

69. Mixers, blenders, roll mills, or calendars for rubber or plastic for which no materials in powder form are added and in which no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted.

70. The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion offsite (this applies to the equipment only).

71. Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic derived biosolids and inorganic materials such as lime, ash, or sand.

72. Tall oil soap storage, skimming, and loading.

73. Water heaters used strictly for domestic (non-process) purposes.

74. Facility roads and parking areas, unless necessary to control offsite fugitive emissions.

75. Agricultural operations, including onsite grain storage, not including internal combustion engines or grain elevators.

76. Natural gas and oil exploration and production site equipment not subject to a rule under 40 C.F.R. Parts 60, 61, or 63.

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

RULE 19

APPENDIX B

NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

APPENDIX B: NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

The ~~National Ambient Air Quality Standards~~ national ambient air quality standards as adopted as of the effective date of this Rule are listed below.

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Carbon Monoxide	76 FR 54294	August 31, 2011	Primary	~~8-hour~~ Eight-hour	Nine (9) ~~ppm~~ parts per million	Not to be exceeded more than once per year	All Chapters
				~~1-hour~~ One-hour	Thirty-five (35) ~~ppm~~ parts per million		All Chapters
Lead	73 FR 66964	November 12, 2008	Primary and secondary	Rolling ~~3~~ three-month average	0.15 micrograms per cubic meter~~ug/m^3~~	Not to be exceeded	All Chapters
Nitrogen Dioxide	75 FR 6474	February 9, 2010	Primary	~~1-hour~~ One-hour	One hundred (100) ~~ppb~~ parts per billion	Ninety-eighth (98th) percentile, averaged over three (3) years	All Chapters

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
	61 FR 52852	October 8, 1996	Primary and secondary	Annual	Fifty-three (53) ~~ppb~~ parts per billion	Annual Mean	All Chapters
Ozone	80 FR 65292	October 26, 2015	Primary and secondary	~~8-hour~~ Eight-hour	0.070 parts per million ~~ppm~~	Annual fourth-highest daily maximum ~~8-hr~~ eight-hour concentration, averaged over three (3) years	All Chapters
Particle Pollution, $PM_{2.5}$	78 FR 3085	January 15, 2013	Primary	Annual	Twelve (12) micrograms per cubic meter ~~µg/m^3~~	Annual mean, averaged over three (3) years	All Chapters
	71 FR 61144	October 17, 2006	Secondary	Annual	Fifteen (15) micrograms per cubic meter ~~µg/m^3~~		

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
			Primary and secondary	~~24-hour~~ Twenty-four-hour	Thirty-five (35) micrograms per cubic meter ~~µg/m^3~~	Ninety-eighth (98th) percentile, averaged over three (3) years	All Chapters
Particle Pollution, PM_{10}	71 FR 61144	October 17, 2006	Primary and secondary	~~24-hour~~ Twenty-four-hour	One-hundred fifty (150) micrograms per cubic meter ~~µg/m^3~~	Not to be exceeded more than once per year on average over three (3) years	All Chapters
Sulfur Dioxide	75 FR 35520	June 22, 2010	Primary	~~1-hour~~ One-hour	Seventy-five (75) ~~ppb~~ parts per billion	Ninety-ninth (99th) percentile of ~~1-hour~~ one-hour daily maximum concentrations, averaged over three (3) years	All Chapters
	38 FR 25678	September 14, 1973	Secondary	~~3-hour~~ Three-hour	0.5 parts per million ~~ppm~~	Not to be exceeded more than once per year	All Chapters