

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
RULE NO. 19, RULES OF THE ARKANSAS PLAN) **DOCKET NO. 21-001-R**
OF IMPLEMENTATION FOR AIR POLLUTION)
CONTROL)

DIVISION OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE

Pursuant to Ark. Code Ann. §8-1-203(b)(1), the Arkansas Pollution Control and Ecology Commission (APC&EC) is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes that are administered by the Division of Environmental Quality (DEQ).

The purpose of the amendments to Rule 19 is to add section 19.105 to clarify what APC&EC Rule 8.817 already requires of referenced law in other APC&EC Rules; to revise certain definitions in Chapter 2; to include verbatim the provisions of Rule 8.204(B) related to Disclosure Statements where it was previously incorporated by reference in Rule 19 and 19.407(B), *Administrative Procedures-Changes in Ownership*; to remove the provisions at Rule 19.405(B)(1)(c), and 19.407(C)(3), which have already been withdrawn from the state implementation plan (SIP); to remove Rule 19.409 *Transition*, as this provision is outdated and was only necessary when the rule was first adopted; to remove the effective date associated with Appendix W of 40 C.F.R. Part 51 (*Guidelines on Air Quality Models*) in Rule 19.413(A); to update Chapter 9 *III(d) Designated Facilities* to include facility closures, name changes, and other minor corrections; to add section 19.904(H) to clarify air quality modeling requirements for the Prevention of Significant Deterioration; to repeal provisions pertaining to the control of volatile organic compounds in Pulaski County (Chapter 10); to repeal provisions pertaining to

the Clean Air Interstate Rule (Chapter 14, entire), which is no longer in effect; to revise Rule 19, Chapter 15 Regional Haze, to remove informational language related to Subject-to-BART sources and BART-eligible sources; to remove emission limits that were disapproved by EPA (EPA-approved requirements pertaining to Planning Period 1 of the Regional Haze program are retained), and to repeal Rule 19.1507 because a provision to reopen Part 70 permits is unnecessary (because all of the requirements being retained in Chapter 15 are based on existing permit limits); to reserve Chapter 16 because the effective date provision currently contained therein is proposed to be moved to the final Chapter of the Rule, Chapter 18 (proposed new Chapter), in accordance with conventional APC&EC rule-drafting practice; to include in Chapter 17 (proposed new Chapter) federal requirements related to standards of performance, monitoring, recordkeeping, and reporting for municipal solid waste landfills pursuant to 40 C.F.R. Part 60 Subpart Cf, *111(d) Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills*, for inclusion in a state 111d plan (81 FR 59313, final rule effective date October 28, 2016); and to include non-substantive changes to update style and usage, and corrections of grammatical and typographic errors. DEQ is also proposing to remove arbitrary dates in Rule 19 (July 1, 1997; February 15, 1999; July 27, 2012; September 12, 1986) that do not relate to federal or state regulatory provisions, as these have no real effect on the provisions and cause confusion for stakeholders and EPA.

No comments were received on the original impact/benefit analysis. Changes made to the proposed rule after initiation of the rulemaking proceeding are logical outgrowths of the rule proposed in the prior notice within the meaning of Reg. 8.816. Therefore, no new Economic Impact and Environmental Benefit Analysis is required.

Adoption of these revisions by the APC&EC is required under Ark. Code Ann. § 8-4-318(b)(1) prior to submission by the DEQ of revisions to the state implementation plan and state 111(d) plan demonstrating compliance with Clean Air Act requirements. These rules are in the public interest and are necessary to ensure compliance with both State and federal law.

Respectfully Submitted,

By:

A handwritten signature in dark ink, appearing to read "William K. Montgomery", is written over a horizontal line.

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