

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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

**PETITION TO INITIATE RULEMAKING TO AMEND
RULE NO. 19: RULES OF THE ARKANSAS PLAN OF
IMPLEMENTATION FOR AIR POLLUTION CONTROL**

Comes now, the Arkansas Department of Energy and Environment, Division of Environmental Quality (“DEQ” or the “Division”), by and through William Montgomery, and for its Petition to Initiate Rulemaking to Amend Rule No. 19: Rules of the Arkansas Plan of Implementation for Air Pollution Control, states:

1. DEQ proposes this rulemaking to amend Rule 19, Rules of the Arkansas Plan of Implementation for Air Pollution Control, as is authorized generally under Ark. Code Ann. § 8-1-203, and specifically under Ark. Code Ann. § 8-4-304, Ark. Code Ann. § 8-4-201 and 202, and Ark. Code Ann. § 8-4-311.

2. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission (APC&EC or “Commission”) can promulgate the necessary rules to:

- a. Add section 19.105 Incorporation by Reference, to clarify what Rule 8.817(C) already requires of referenced law in other APC&EC Rules;
- b. Revise certain definitions in Chapter 2:
 - Clean Air Act – change from “Federal Clean Air Act,” and replace the use of “Federal Clean Air Act,” “The Act,” and “FCAA” in the rule text;

- CO2 equivalent emissions – update the reference date to federal citation Table A-1 to Subpart A of 40 C.F.R. Part 98 to the most recent version. (79 FR 73750);
 - Part 70 source – add a definition for the term, which was previously used in Rule 19 but undefined in the rule;
 - Plan – remove this term from Definitions and specified “state implementation plan” or “Rule 19,” as applicable, within the proposed rule text;
 - Twelve-month period – remove previous term “12-month period” from Definitions, and replace it with “Twelve-month period”; and
 - Volatile organic compounds – updated the definition of this term based on recent federal exemptions to the list of compounds. (83 FR 61127).
- c. Include verbatim the provisions of Rule 8.204(B) related to Disclosure Statements, where it was previously incorporated by reference in Rule 19 at 19.407(B), Administrative Procedures-Changes in Ownership;
- d. Remove the provisions at Rule 19.405(B)(1)(c), and 19.407(C)(3), which have already been withdrawn from the state implementation plan;
- e. Remove Rule 19.409 Transition, as this provision is outdated, and was only necessary when the rule was first adopted;
- f. Remove the effective date associated with Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models) in Rule 19.412(A);
- g. Update Chapter 8 111(d) Designated Facilities to include facility closures, name changes, and other minor corrections;

- h. Add section 19.904(H) to clarify air quality modeling requirements for the Prevention of Significant Deterioration;
- i. Repeal provisions pertaining to the control of volatile organic compounds in Pulaski County (Chapter 10, entire);
- j. Repeal provisions pertaining to the Clean Air Interstate Rule (CAIR, Chapter 14, entire), which is no longer in effect;
- k. Revise Rule 19, Chapter 15 Regional Haze, to remove informational language related to Subject-to-BART sources and BART-eligible sources and to remove emission limits that were disapproved by EPA (EPA-approved requirements pertaining to Planning Period 1 of the Regional Haze program are retained);
- l. 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;
- m. 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
- n. 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.

3. William Montgomery from DEQ will be available to answer questions concerning this proposed rulemaking.


4. The following exhibits to this petition are hereby incorporated by reference:

- a. Exhibit A: Mark-up version of the regulation showing the proposed changes;
- b. Exhibit B: Governor Approval;
- c. Exhibit C: Copy of the Legislative Questionnaire;
- d. Exhibit D: Copy of a Financial Impact Statement;
- e. Exhibit E: Copy of the Economic Impact/Environmental Benefit Analysis;
and
- f. Exhibit F: Proposed Minute Order.

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Rule No. 19.

Respectfully Submitted,

By:



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