



ARKANSAS

ENERGY & ENVIRONMENT

Notice of Proposed Air Quality Rule Changes, Public Hearing, and Comment Period

The Division of Environmental Quality (DEQ) has proposed amendments to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 19 (Rules of the Arkansas Plan of Implementation for Air Pollution Control) pursuant to Arkansas Code Annotated § 8-1-203. Oral and written comments by stakeholders and the public will be received and made a part of the record during the public comment period.

Pursuant to Ark. Code Ann. § 8-4-304, Ark. Code Ann. § 8-4-201 and 202, and Ark. Code Ann. § 8-4-311, and APC&EC Regulation 8, DEQ by this notice solicits comments of any interested party to the proposed rule amendments by submitting comments in writing on or before the end of the public comment period, which is September 30, 2021. All comments should be sent to Erika Droke at the address below.

Full and complete copies of the proposed changes to Rule 19 are available for inspection and review after making an appointment during regular business hours at the DEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. The proposed rule changes are also available at DEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

A public hearing will be held on September 16, 2021, beginning at 2:00 p.m., Central Time to accept comments on the proposed amendments to Rule 19, Rules of the Arkansas Plan of Implementation for Air Pollution Control. The hearing will be held in the Commission Room at the E&E headquarters building at 5301 Northshore Drive, North Little Rock, AR 72118. The public hearing may be viewed via live broadcast on the E&E YouTube channel at https://www.youtube.com/channel/UCMr_txISHivnxRjg3dmOZ0A. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date.

Participation may be in person or through the Zoom virtual meetings platform. Written and oral statements may be submitted regarding the proposed rulemaking to the Presiding Officer for consideration at the Public Hearing. Persons wishing to be recognized to make an oral comment in person must pre-register by leaving a voicemail at 501-682-0542, or emailing droke@adeq.state.ar.us before 4:00 p.m., Central Time, on the day before the hearing. The number of participants in the Commission Room at one time will be limited to ensure appropriate physical distancing. Persons wishing to be recognized to make an oral comment through the Zoom virtual meetings platform during the public hearing must be placed on a

“virtual sign-in list” by leaving a voicemail at 501-682-0542 or emailing droke@adeq.state.ar.us before 4:00 p.m., Central Time, on the day before the hearing. Persons attending via the Zoom virtual meetings platform may participate using a telephone or internet audio. The Zoom information will be provided to those persons on the virtual sign-in list. A request to be included on the list of commenters must include the name and mailing address of the individual requestor or commenter and, for those wishing to comment via Zoom using telephone access, the commenter’s phone number.

Oral and written comments regarding the rule amendments will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m., Central Time, September 30, 2021. Written comments should be delivered or mailed to: Erika Droke, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118. Submit electronic comments on the proposed rule amendments: comment@adeq.state.ar.us.

Proposed revisions to Rule 19 are necessary to update certain outdated references to federal law, remove obsolete provisions, and adopt standards of performance for municipal solid waste landfills as required by federal law. Updates to outdated references to federal law include revisions to the definition of carbon dioxide equivalent; the definition of volatile organic compound; and updates to the United States Environmental Protection Agency (EPA) guideline on air quality modeling, opacity testing, pollutants regulated under Clean Air Act § 111, ambient air quality monitoring methodology, data reduction, and total reduced sulfur continuous monitoring. The proposed amendments include revisions to Rule 19.405(B)(1); Rule 19.407(C)(3), Rule 19.904(G)(5), and Appendix A Group A Items 1 and 13 to remove currently stayed provisions intended to address now vacated federal greenhouse gas regulatory requirements. The proposed amendments would also remove obsolete provisions pertaining to the vacated Clean Air Interstate Rule trading program, disapproved and nonregulatory provisions for implementing the Regional Haze program, and Pulaski County-specific volatile organic compounds rules from the 1980s that are redundant with more recent EPA regulations and have been demonstrated to be unnecessary to ensure compliance with ozone national ambient air quality standards. The proposed amendments also include provisions for implementing standards of performance for municipal solid waste landfills required under Clean Air Act §111(d). Additional non-substantive revisions are proposed throughout Rule 19 for consistency and clarity.

A complete listing of the proposed changes to Rule 19 can be found on the Draft Regulations page of the DEQ’s website: https://www.adeq.state.ar.us/regs/draft_regs.aspx under APC&EC Docket No. 21-001-R. This docket also includes supporting documentation explaining the technical basis for the Rule 19 amendments.

The deadline for submitting written comments on the proposed rule revisions is 4:30 p.m., Central Time, September 30, 2021.

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Becky W. Keogh, Secretary,
Department of Energy and Environment