

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 26, REGULATIONS OF THE ) DOCKET NO. 08-009-R  
ARKANSAS OPERATING AIR PERMIT )  
PROGRAM )

RESPONSIVE SUMMARY FOR  
REGULATION NO. 26, REGULATIONS OF THE ARKANSAS OPERATING AIR PERMIT  
PROGRAM

Pursuant to A.C.A. § 8-4-202(d)(4)(C) and Regulation No. 8, Section 3.6.2(2), a responsive summary groups public comments into similar categories and explains why the Arkansas Pollution Control and Ecology Commission (“Commission”) accepts or rejects the rationale for each category or comment.

**Comment 1** – “26.1013 needs more outline numbering since it has three (A)s, (B)s, (C)s, and (D)s.”

**Response 1** – ADEQ agrees and will update this section outlining to distinguish three sections with appropriate subsections and will follow the standard outlining procedures for APC&CE regulations.

**Comment 2** – All references to outside regulations, laws and other texts should include an effective date of the referenced text at the time the affected portion of the regulation was effective. This excludes references to Arkansas Code or other Arkansas Pollution Control and Ecology Commission regulations.

**Response 2** – ADEQ agrees. Following is a listing of affected sections and associated dates that have been added. The dates that will be added are the dates that that portion of the regulation was effective. Only references to Code of Federal Regulations and Clean Air Act citations are listed below. ADEQ feels there is no need to provide dates for references to Arkansas law or other Arkansas regulations.

Chapter 2 “Act” Definition – “...Clean Air Act, 42 U.S.C. 7401 et seq., as amended by July 23, 1993.”

Reg. 26.303(B) – “...Residential Wood Heaters as of July 23, 1993;...”

Reg. 26.303(C) – “...Demolition and Renovation as of July 23, 1993.”

**Comment 3** – Format numbers in accordance with the Regulation Formatting and Drafting Guidelines. (Example: There are twelve (12) months in a year.) Numbers that refer to other regulations, laws or dates, etc., do not need to be changed. These changes should include where noted in the following comments.

**Response 3** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this or similar comments. In a future rulemaking, the numbers may be formatted in a consistent manner.

**Comment 4** – Capitalize references to Titles, Parts, and Sections of the Clean Air Act, Federal Register and other citations throughout the regulation as appropriate.

**Response 4** – Titles, parts, and sections do not need to be capitalized. The regulation will not be changed as a result of this comment.

**Comment 5** – Reg. 26.101 – Delete “&” and replace it with “and”.

**Response 5** – ADEQ agrees with this comment and the change will be made.

**Comment 6** – Reg. 26.102 – State what “U.S.C.” stands for here or in Chapter 2.

**Response 6** – ADEQ agrees. U.S.C. stands for United States Code. Reg. 26.102 will be revised to read “...Act, 42 United States Code (U.S.C.) §§...”

**Comment 7** – Reg. 26.102 – State what “CFR” stands for here or in Chapter 2.

**Response 7** – ADEQ agrees. CFR stands for Code of Federal Regulations. Reg. 26.102 will be revised to read “...40 CFR (Code of Federal Regulations)...”

**Comment 8** – Chapter 2, Introduction – Delete “&” and replace with “and”.

**Response 8** – ADEQ agrees with this comment and the change will be made.

**Comment 9** – Chapter 2, Introduction – Use the full name of Regulation 19, Arkansas Pollution Control and Ecology Commission’s Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control.

**Response 9** – ADEQ agrees with this comment and the change will be made. The introduction of Chapter 2 will read as follows: “The following definitions apply to these regulations. Except as specifically provided in this section, terms used in this regulation retain the meaning accorded them under the applicable requirements of the federal Clean Air Act or the Arkansas Pollution Control and Ecology Commission’s Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control (Regulation 19, Regulation No. 19 or SIP).”

**Comment 10** – Chapter 2 – In the definition of “Major Source”, consider using an updated Standard Industrial Classification Manual.

**Response 10** – The North American Industry Classification System (NAICS) has replaced the Standard Industrial Classification system. ADEQ will consider updating this definition in a future rulemaking.

**Comment 11** – Chapter 2 – In the Definition of “Major Source” (A)(1), spell out all numbers and place the numeric in parentheses except those that reference a regulation or law.

**Response 11** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 12** – Chapter 2 – In the Definition of “Major Source” (A)(2), provide citation for the rule being referenced if one exists.

**Response 12** – ADEQ is unaware of such a rule. No change will be made as a result of this comment.

**Comment 13** – Chapter 2 – In the Definition of “Major Source” (B)(21), (22), and (26), spell out all numbers and place the numeric in parentheses except those that reference a regulation or law.

**Response 13** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 14** – Chapter 2 – In the Definition of “Major Source” (B)(27), consider updating the date to include stationary source categories which may have been included after August 7, 1980.

**Response 14** – This definition is consistent with part 70; therefore, no change will be made based on this comment.

**Comment 15** – Chapter 2 – In the Definition of “Major Source” (C), correct the outline to be numbers instead of lowercase letters.

**Response 15** – ADEQ agrees with this comment and the change will be made.

**Comment 16** – Chapter 2 – In the Definition of “Major Source” (C)(a), (b), (c) and (d) spell out all numbers and place the numeric in parentheses except those that reference a regulation or law.

**Response 16** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 17** – Chapter 2 – In the Definition of “Major Source” (C)(c), break out (1) and (2) into outline format.

**Response 17** – ADEQ agrees with this comment and the change will be made.

**Comment 18** – Chapter 2 – In the Definition of “Major Source” (C)(c)(1) and (2), change to outline numbering.

**Response 18** – ADEQ agrees with this comment, except that (1) and (2) will become (a) and (b).

**Comment 19** – Chapter 2 – In the Definition of “Major Source” (C)(d), define “particulate matter (PM-10)”.

**Response 19** – PM<sub>10</sub> does not need to be defined here. The audience for this regulation would be familiar with this term. No change will be made as a result of this comment.

**Comment 20** – Chapter 2 – In the Definition of “Major Source” (C)(d), change the formatting of “PM-10” to “PM<sub>10</sub>”.

**Response 20** – ADEQ agrees with this comment and the change will be made.

**Comment 21** – Chapter 2 – Add a definition of “owner” similar to the one found in Regulation 19.

**Response 21** – The introductory language in Regulation 26 states that “...terms used in this regulation retain the meaning accorded them under the applicable requirements of the federal Clean Air Act or the Arkansas Pollution Control & Ecology Commission’s Regulation No. 19...” Since “owner” is defined in Regulation 19, there is no need to make this change in Regulation 26.

**Comment 22** – Chapter 2 – Add a definition of “operator” similar to the one found in Regulation 19.

**Response 22** – The introductory language in Regulation 26 states that “...terms used in this regulation retain the meaning accorded them under the applicable requirements of the federal Clean Air Act or the Arkansas Pollution Control & Ecology Commission’s Regulation No. 19...” Since “operator” is defined in Regulation 19, there is no need to make this change in Regulation 26.

**Comment 23** – Chapter 2 – In the Definition of “Part 70 Program”, add a comma after “1992”.

**Response 23** – ADEQ agrees with this comment and the change will be made.

**Comment 24** – Chapter 2 – In the definition of “Permit modification”, specify that the requirements are the requirements of Chapter 10 of Regulation 26.

**Response 24** – ADEQ agrees with this comment and the change will be made.

**Comment 25** – Chapter 2 – There is no definition of “EPA”. Consider adding a definition the same or similar as found in other Arkansas Air regulations.

**Response 25** – The introductory language in Regulation 26 states that “...terms used in this regulation retain the meaning accorded them under the applicable requirements of the federal Clean Air Act or the Arkansas Pollution Control & Ecology Commission’s Regulation No. 19...” Since “EPA” is defined in Regulation 19, there is no need to make this change in Regulation 26.

**Comment 26** – Chapter 2 – In the definition of “Responsible official” (A)(1), spell out all numbers and place the numeric in parentheses except those that reference a date.

**Response 26** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 27** – Chapter 2 – In the definition of “Responsible official” (A)(1), specify that the “dollars” are United States Dollars.

**Response 27** – ADEQ agrees with this comment and the change will be made.

**Comment 28** – Chapter 2 – In the definition of “State” spell out all numbers and place the numeric in parentheses except those that reference a law or regulation.

**Response 28** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 29** – Chapter 2 – In the definition of “Title I modification” specify the full name of Regulation 19.

**Response 29** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 9. No change was made as a result of this comment.

**Comment 30** – Reg. 26.302(B) – “Area source” is not defined, while “major source” is. Consider adding a definition of “area source”.

**Response 30** – A definition for “area source” is not needed. One can be found in Part 63. No change will be made based on this comment.

**Comment 31** – Reg. 26.302(B) – “NSPS” should be defined here or in Chapter 2.

**Response 31** – ADEQ agrees. NSPS stands for New Source Performance Standards. Reg. 26.302(B) will be revised to read “...(i.e., New Source Performance Standards (NSPS))...”

**Comment 32** – Reg. 26.302(C) – Delete “this” and replace it with “the” before “Act”.

**Response 32** – ADEQ agrees with this comment and the change will be made.

**Comment 33** – Reg. 26.302(D) – Add “the Arkansas Pollution Control and Ecology Commission’s” before “Regulation 19”. Also in Reg. 26.302(D) – Add a comma after “19”.

**Response 33** – The intent of the proposed revision was to update the regulatory citation to the current formatting guidelines. When the old format (“19.9”) was deleted in the proposed revision, an editorial error did not insert (“Chapter 9”) to maintain the intent and meaning of the subparagraph. This subparagraph shall read:

“(D) Any source subject to Arkansas Pollution Control and Ecology Commission’s Regulation 19, Chapter 9.”

**Comment 34** – Reg. 26.304 – Capitalize “chapter”.

**Response 34** – ADEQ agrees with this comment and the change will be made.

**Comment 35** – Reg. 26.304 – Give the full name of Regulation 19.

**Response 35** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 9.

**Comment 36** – Reg. 26.305 – Give the full name of Regulation 19.

**Response 36** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 9. No change was made as a result of this comment.

**Comment 37** – Reg. 26.401 – If the last modified date has changed, consider updating it.

**Response 37** – ADEQ did not propose to adopt any additional federal regulations that may have been promulgated since the date indicated in the existing regulation.

**Comment 38** – Reg. 26.401 – Add a comma after “1992”.

**Response 38** – ADEQ agrees with this comment and the change will be made.

**Comment 39** – Reg. 26.402(B) – Give the full name of Regulation 19.

**Response 39** – Regulation 9 is actually the regulation being referenced in this section. Reg. 26.402(B) will now read as follows “...amount required by the Arkansas Pollution Control and

Ecology Commission’s Regulation Number 9, Fee Regulation (Regulation 9 or Regulation No. 9).”

**Comment 40 – Reg. 26.402(B)(1) – Consider adding e-mail address to the contact information required.**

**Response 40** – ADEQ believes the contact information required in Reg. 26.402(B)(1) is sufficient. If ADEQ requests this information, it will do so with an update to forms and not the regulation. No change was made based on this comment.

**Comment 41 – Reg. 26.402(B)(3)(a) – Delete “subsection (A)” and replace it with “Reg. 26.402(A)”.**

**Response 41** – ADEQ agrees with this comment and the change will be made.

**Comment 42 – Reg. 26.402(B)(3)(a) – Give the full name of Regulation 9.**

**Response 42** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 39.

**Comment 43 – Reg. 26.402(B)(3)(d) – Use a lowercase ‘f’ for “fuels”.**

**Response 43** – ADEQ agrees with this comment and the change will be made.

**Comment 44 – Reg. 26.402(B)(3)(h) – Delete “paragraph (3) of this section” and replace it with “Reg. 26.402(B)(3)”.**

**Response 44** – ADEQ agrees with this comment and the change will be made.

**Comment 45 – Reg. 26.402(B)(5) – Add a comma after “Act” and delete the “or” after “Act”.**

**Response 45** – ADEQ agrees with this comment and the change will be made.

**Comment 46 – Reg. 26.402(B)(8)(c)(ii) – Add a comma after “meet” and another one after “manner”.**

**Response 46** – Addition of the suggested commas is not necessary and therefore no change will be made based on this comment.

**Comment 47 – Reg. 26.402(B)(8)(d) – Spell out all numbers and place the numeric in parentheses.**

**Response 47** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 48 – Reg. 26.403 – Spell out all numbers and place the numeric in parentheses except where a rule or regulation is referred to.**

**Response 48** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 49 – Reg. 26.404 – Give the full name of Regulation 19.**

**Response 49** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 9. No change was made as a result of this comment.

**Comment 50 – Reg. 26.406 – Spell out all numbers and place the numeric in parentheses except where a rule or regulation is referred to.**

**Response 50** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 51 – Reg. 26.407 – Spell out all numbers and place the numeric in parentheses except where a rule or regulation is referred to.**

**Response 51** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 52 – Reg. 26.501(B) – Specify what regulation’s chapters are being referenced (10 and 6).**

**Response 52** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 53 – Reg. 26.501(B) – Capitalize “chapter” (twice).**

**Response 53** – ADEQ agrees with this comment and the change will be made.

**Comment 54 – Reg. 26.501(D) – Specify what regulation’s chapter is being referenced (6).**

**Response 54** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced. Also “chapter” will be capitalized.

**Comment 55 – Reg. 26.504 – Spell out all numbers and place the numeric in parentheses except where a rule or regulation is referred to.**



**Response 55** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 56** – **Reg. 26.602(A)(1) – Give the full name of Regulation 8.**

**Response 56** – ADEQ agrees with this comment and the change will be made. Reg. 26.602(A)(1) will read as follows: “in accordance with the Arkansas Pollution Control and Ecology Commission’s Regulation Number 8, Administrative Procedures (Regulation No. 8)...”

**Comment 57** – **Reg. 26.602(A)(3) – Give the full name of Regulation 8.**

**Response 57** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 56. No change was made as a result of this comment.

**Comment 58** – **Reg. 26.602(B) – Consider adding e-mail address to the list of required information on permit application.**

**Response 58** – ADEQ believes the contact information required in Reg. 26.602(B) is sufficient. If ADEQ requests this information, it will do so with an update to forms and not the regulation. No change was made based on this comment.

**Comment 59** – **Reg. 26.602(B) – Delete the comma at the end and replace it with a period.**

**Response 59** – Reg. 26.602(B) ends with a semicolon. The semicolon will be deleted and replaced with a period.

**Comment 60** – **Reg. 26.602(C) – Delete the comma at the end and replace it with a period.**

**Response 60** – Reg. 26.602(C) ends with a semicolon. The semicolon will be deleted and replaced with a period.

**Comment 61** – **Reg. 26.602(D) – Spell out all numbers and place the numeric in parentheses.**

**Response 61** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 62** – **Reg. 26.604(B) – Add a comma after “1992”.**

**Response 62** – ADEQ agrees with this comment and the change will be made in Reg. 26.603(B).

**Comment 63 – Reg. 26.603(B) – Spell out all numbers and place the numeric in parentheses.**

**Response 63** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 64 – Reg. 26.603(B) – Have the requirements of 40 CFR Part 70 been updated since November 2001? If so, consider updating this section.**

**Response 64** – ADEQ did not propose to adopt any additional federal regulations that may have been promulgated since the date indicated in the existing regulation.

**Comment 65 – Reg. 26.604(B) – Have the requirements of 40 CFR Part 70 been updated since November 2001? If so, consider updating this section.**

**Response 65** – ADEQ did not propose to adopt any additional federal regulations that may have been promulgated since the date indicated in the existing regulation.

**Comment 66 – Reg. 26.605 – Spell out all numbers and place the numeric in parentheses.**

**Response 66** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 67 – Reg. 26.605(B) – Consider if ADEQ can require EPA to do something in our regulations.**

**Response 67** – This statement does not require EPA to do anything. It just states one of EPA’s obligations. No change will be made based on this comment.

**Comment 68 – Reg. 26.605(D) – Spell out all numbers and place the numeric in parentheses unless the numbers are referring to a regulation.**

**Response 68** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 69 – Reg. 26.605(D) – Delete “this” before “Act” and replace it with “the”.**

**Response 69** – ADEQ agrees with this comment and the change will be made.

**Comment 70 – Reg. 26.606 – Spell out all numbers and place the numeric in parentheses unless the numbers are referring to a regulation.**

**Response 70** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 71** – **Reg. 26.606 - Specify what regulation’s chapter is being referenced (10).**

**Response 71** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 72** – **Reg. 26.606 – Capitalize “chapter”.**

**Response 72** – ADEQ agrees with this comment and the change will be made.

**Comment 73** – **Reg. 26.701(B) – Spell out all numbers and place the numeric in parentheses unless the numbers are referring to a regulation or law.**

**Response 73** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 74** – **Reg. 26.701(C)(2)(b) – Spell out all numbers and place the numeric in parentheses.**

**Response 74** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 75** – **Reg. 26.701(C)(3)(a) – Spell out all numbers and place the numeric in parentheses unless the numbers are referring to a regulation or law.**

**Response 75** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 76** – **Reg. 26.701(G) – Give the full name of Regulation 9.**

**Response 76** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 39. No change was made as a result of this comment.

**Comment 77** – **Reg. 26.702(B) – Delete “subsection (A)” and replace it with “Reg. 26.702(A)”.**

**Response 77** – ADEQ agrees with this comment and the change will be made.

**Comment 78** – **Reg. 26.702(B) – Specify what regulation’s chapters are being referenced (6 and 10).**

**Response 78** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 79** – Reg. 26.702(B) – Capitalize “chapters”.

**Response 79** – ADEQ agrees with this comment and the change will be made.

**Comment 80** – Reg. 26.703(D)(2) – Delete the underlined period and the end of the sentence.

**Response 80** – ADEQ agrees with this comment. Only the underlining will be deleted; the period will remain in place.

**Comment 81** – Reg. 26.703(E)(3)(c) – Delete “subparagraph (b) above” and replace it with “Reg. 26.703(E)(3)(b)”.

**Response 81** – ADEQ agrees with this comment and the change will be made.

**Comment 82** – Reg. 26.705(A) – Specify what regulation’s chapter is being referenced (6).

**Response 82** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 83** – Reg. 26.705(A) – Capitalize “chapter”.

**Response 83** – ADEQ agrees with this comment and the change will be made.

**Comment 84** – Reg. 26.705(B) – Specify what regulation’s chapter is being referenced (4, twice).

**Response 84** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 85** – Reg. 26.705(B) – Capitalize “chapter”.

**Response 85** – ADEQ agrees with this comment and the change will be made twice.

**Comment 86** – Reg. 26.706(B) – Spell out all numbers and place the numeric in parentheses.

**Response 86** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 87** – Reg. 26.802 – Spell out all numbers and place the numeric in parentheses.

**Response 87** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 88** – Reg. 26.802 – Specify what regulation’s chapter is being referenced (7).

**Response 88** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 89** – Reg. 26.802 – Capitalize “chapter”.

**Response 89** – ADEQ agrees with this comment and the change will be made.

**Comment 90** – Reg. 26.803 – Add a comma after “1992”.

**Response 90** – ADEQ agrees with this comment and the change will be made.

**Comment 91** – Reg. 26.803 – Have the requirements of 40 CFR Part 70 been updated since November 2001? If so, consider updating this section.

**Response 91** – ADEQ did not propose to adopt any additional federal regulations that may have been promulgated since the date indicated in the existing regulation.

**Comment 92** – Reg. 26.803 – Spell out all numbers and place the numeric in parentheses except where dates or regulations are referenced.

**Response 92** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 93** – Reg. 26.803 – Specify what regulation’s chapter is being referenced (7).

**Response 93** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 94** – Reg. 26.803 – Capitalize “chapter”.

**Response 94** – ADEQ agrees with this comment and the change will be made.

**Comment 95** – Reg. 26.804 – In the Title and text, specify the full name of Regulation 19. Also requires a change in the Table of Contents.

**Response 95** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 9. No change was made as a result of this comment. The title of Reg. 26.804 (and the Reg. 26 Table of Contents) will not be updated based on this comment.

**Comment 96 – Reg. 26.804 – Spell out all numbers and place the numeric in parentheses except where regulations are referenced.**

**Response 96** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 97 – Reg. 26.804 – Specify what regulation’s chapter is being referenced (7).**

**Response 97** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 98 – Reg. 26.804 – Capitalize “chapter”.**

**Response 98** – ADEQ agrees with this comment and the change will be made.

**Comment 99– Reg. 26.901(D) – Consider stating the full name of Regulation 19.**

**Response 99** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 9. No change was made as a result of this comment.

**Comment 100 – Reg. 26.901(E) – Consider stating the full names of Regulations 18 and 19.**

**Response 100** – ADEQ agrees with this comment and the change will be made. Regulation 19 was addressed in comment 9 earlier. The Reg. 26.901(E) will read as follows: “...under permitting provisions of Regulations the Arkansas Pollution Control and Ecology Commission’s Regulation Number 18, Arkansas Air Pollution Control Code (Regulation 18) and Regulation No. 19.”

**Comment 101– Reg. 26.903(A)(1) – Spell out all numbers and place the numeric in parentheses.**

**Response 101** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 102 – Reg. 26.1002(A)(1) – Spell out all numbers and place the numeric in parentheses.**

**Response 102** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 103** – Reg. 26.1002(A)(2) – Spell out all numbers and place the numeric in parentheses.

**Response 103** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 104** – Reg. 26.1002(A)(3) – Spell out all numbers and place the numeric in parentheses.

**Response 104** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 105** – Reg. 26.1002(A)(3) – Spell out all numbers and place the numeric in parentheses.

**Response 105** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 106** – Reg. 26.1002(A)(5) – Spell out all numbers and place the numeric in parentheses.

**Response 106** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 107** – Reg. 26.1002(A)(5) –Delete “fine”.

**Response 107** – ADEQ agrees with this comment and will also delete “particulate” and the parentheses around “PM<sub>10</sub>”.

**Comment 108** – Reg. 26.1002(A)(5) – “PM<sub>10</sub>” not defined. Define it here or in Chapter 2.

**Response 108** – PM<sub>10</sub> does not need to be defined here. The audience for this regulation would be familiar with this term. No change will be made as a result of this comment.

**Comment 109** – Reg. 26.1002(A)(6) – Spell out all numbers and place the numeric in parentheses.

**Response 109** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 110** – Reg. 26.1002(A)(7) – Consider changing “0.6 tons per year of lead” to “0.5 tons per year of lead” for consistency with Regulations 18 and 19.

**Response 110** – ADEQ does not consider that the change suggested by the Commenter is needed. No change to the final rule is made based on this comment.

**Comment 111** – Reg. 26.1002(A)(7) – Spell out all numbers and place the numeric in parentheses.

**Response 111** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 112** – Reg. 26.1004(D) – Specify what regulation’s chapter is being referenced (6).

**Response 112** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 113** – Reg. 26.1004(D) – Capitalize “chapter”.

**Response 113** – ADEQ agrees with this comment and the change will be made.

**Comment 114** – Reg. 26.1005 – Spell out all numbers and place the numeric in parentheses.

**Response 114** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 115** – Reg. 26.1005 – Specify what regulation’s chapter is being referenced (6).

**Response 115** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 116** – Reg. 26.1005 – Capitalize “chapter”.

**Response 116** – ADEQ agrees with this comment and the change will be made.

**Comment 117** – Reg. 26.1006 – Spell out all numbers and place the numeric in parentheses.

**Response 117** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.



**Comment 118 – Reg. 26.1006 – Specify what regulation’s chapter is being referenced (6).**

**Response 118** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 119 – Reg. 26.1006 – Capitalize “chapter”.**

**Response 119** – ADEQ agrees with this comment and the change will be made.

**Comment 120 – Reg. 26.1006(D) – Specify what regulation’s chapter is being referenced (6).**

**Response 120** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 121 – Reg. 26.1006(D) – Capitalize “chapter”.**

**Response 121** – ADEQ agrees with this comment and the change will be made.

**Comment 122 – Reg. 26.1007 – Spell out all numbers and place the numeric in parentheses.**

**Response 122** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 123 – Reg. 26.1009 – Specify what regulation’s chapter is being referenced (7).**

**Response 123** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 124 – Reg. 26.1009 – Capitalize “chapter”.**

**Response 124** – ADEQ agrees with this comment and the change will be made.

**Comment 125 – Reg. 26.1010 – Specify what regulation’s chapter is being referenced (6).**

**Response 125** – ADEQ agrees with this comment and the change will be made. Regulation 26 is being referenced.

**Comment 126 – Reg. 26.1010 – Capitalize “chapter”.**

**Response 126** – ADEQ agrees with this comment and the change will be made.

**Comment 127 – Reg. 26.1010(B) – Delete the period at the end and replace it with a semicolon.**

**Response 127** – ADEQ agrees with this comment and the change will be made.

**Comment 128** – Reg. 26.1010(E)(1) – Delete the semicolon.

**Response 128** – ADEQ agrees with this comment and the change will be made. A simple “and” will suffice.

**Comment 129** – Reg. 26.1010(E)(2) – Delete the semicolon and replace it with a period.

**Response 129** – ADEQ agrees with this comment and the change will be made.

**Comment 130** – Reg. 26.1010(E) and (F) – Switch places of these two subsections in the outline to allow for proper grammar. Update any references (none found).

**Response 130** – ADEQ agrees with this comment and the change will be made.

**Comment 131** – Reg. 26.1011(A)(1) – Spell out all numbers and place the numeric in parentheses except where numbers are part of a reference to regulations or dates.

**Response 131** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 132** – Reg. 26.1011(C) – Spell out all numbers and place the numeric in parentheses except where regulations are referenced.

**Response 132** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 133** – Reg. 26.1012(A) – Spell out all numbers and place the numeric in parentheses.

**Response 133** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 134** – Reg. 26.1012(B) – Spell out all numbers and place the numeric in parentheses.

**Response 134** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 135** – Reg. 26.1012(C) – Spell out all numbers and place the numeric in parentheses.

**Response 135** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 136** – Reg. 26.1012(D) – Spell out all numbers and place the numeric in parentheses.

**Response 136** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 137** – Reg. 26.1012(E)(1) – Spell out all numbers and place the numeric in parentheses.

**Response 137** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 138** – Reg. 26.1012(E)(1) – Delete the apostrophe after “days”.

**Response 138** – ADEQ agrees with this comment and the change will be made.

**Comment 139** – Reg. 26.1013, Reg. 26.1013(A), Reg. 26.1013(C) Reg. 26.1013(D), Reg. 26.1013 after the first outline, Reg. 26.1013 (the second area not outlined), Reg. 26.1013(A) (the second one), Reg. 26.1013(G), Reg. 26.1013(G)(after G), Reg. 26.1013(A) (the third one), Reg. 26.1013(D) (the third one) – Delete “and/or” and place “or” between “owner” and “operator”.

**Response 139** – ADEQ agrees that clarification is needed as to the applicability of this new provision. To clarify the applicability of the phrase of “owner and/or operator” throughout Reg. 26.1013, it will be deleted and replaced with “permittee”.

**Comment 140** – Reg. 26.1013(A) – Spell out all numbers and place the numeric in parentheses.

**Response 140** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 141** – Reg. 26.1013 – The outline is not correct in this section. Correct it to be like other Air Regulations.

**Response 141** – ADEQ agrees with this comment and the change will be made.

**Comment 142** – Reg. 26.1013(A) (the second one) – Spell out all numbers and place the numeric in parentheses.

**Response 142** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 143** – Reg. 26.1013(F) – Spell out all numbers and place the numeric in parentheses.

**Response 143** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 144** – Reg. 26.1013(F) – “HAP” is not defined. Define it here or in Chapter 2.

**Response 144** – The introductory language in Regulation 26 states that “...terms used in this regulation retain the meaning accorded them under the applicable requirements of the federal Clean Air Act or the Arkansas Pollution Control & Ecology Commission’s Regulation No. 19...” Since “hazardous air pollutant or ‘HAP’” is defined in Regulation 19, there is no need to make this change in Regulation 26.

**Comment 145** – Reg. 26.1013(A) (the third one) – Spell out all numbers and place the numeric in parentheses.

**Response 145** – There is no guidance on the proper formatting of numbers in the ADEQ’s and Arkansas Pollution Control and Ecology Commission’s Regulation Formatting and Drafting Guidelines. Therefore, no changes will be made based on this comment.

**Comment 146** – Reg. 26.1101 – Add a comma after “1992”.

**Response 146** – ADEQ agrees with this comment and the change will be made.

**Comment 147** – Reg. 26.1101 – If the last modified date has changed, consider updating it.

**Response 147** – ADEQ did not propose to adopt any additional federal regulations that may have been promulgated since the date indicated in the existing regulation.


**Comment 148** – Reg. 26.1102 – Give the full name of Regulation 9.

**Response 148** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 39. No change was made as a result of this comment.

**Comment 149** – Reg. 26.1202 – Give the full name of Regulation 9.

**Response 149** – ADEQ agrees with this comment and this comment was addressed earlier in Comment 39. No change was made as a result of this comment.

Prepared by,  
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