

**BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 26, REGULATIONS OF)
ARKANSAS OPERATING AIR PERMIT)
PROGRAM) DOCKET NO. 12__-R

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION
NO. 26, REGULATIONS OF THE ARKANSAS OPERATING AIR PERMIT PROGRAM**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program, states:

1. The Department requests that the Arkansas Pollution Control and Ecology Commission (hereinafter “Commission”) Initiate Rulemaking to amend Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program.
2. The proposed regulatory amendments precipitated by the above reference involve the following:
 - (a) The substantive change made to Regulation No. 26 was the addition of “10 tons per year of PM_{2.5},” a minor permit modification threshold for fine particulate matter (“PM_{2.5}”), under Reg.26.1002(A).
 - (b) Minor changes for clarification and to correct typographical errors have also been made. These changes include: adding semicolons to Reg.26.1002 to correct previous typographical errors. Additionally, “CFR” was changed to “C.F.R.,” “A.C.A.” and “Arkansas Code Annotated” were changed to “Ark. Code Ann.,” an unnecessary second section symbol (§) was removed wherever the phrase “*et seq.*” was also used, the phrase “*et seq.*” was italicized throughout Regulation No. 26, and a hyphen was added to “non-major” under Reg.26.303, “non-instrumental” under Reg.26.701(C)(1)(b), and “non-compliance” under Reg.26.701(F)(1).
3. The proposed changes to Regulation No. 26 have been sent for review by the

Department to the Arkansas Economic Development Commission as required Under Act 143 of 2007.

4. Mike Bates or other Air Division staff from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A," and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B," and a copy of a Financial Impact Statement for the proposed revision is attached as Exhibit "C," both of which are incorporated by reference. A memo regarding compliance with Act 143 of 2007 (formerly Executive Order 05-04), is attached as Exhibit "D," and is hereby incorporated by reference. This rulemaking is not exempt from the Economic Impact/Environmental Benefit Analysis requirement under Reg. 8.812. An Economic Impact/Environmental Benefit Analysis is attached as Exhibit "E." A proposed minute order is attached as Exhibit "F," and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 26.

Respectfully Submitted,
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
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By: _____
Mike Bates