

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 26, REGULATIONS OF THE) DOCKET NO. 12-011-R
ARKANSAS OPERATING AIR PERMIT PROGRAM)

PETITION TO WITHDRAW RULEMAKING TO AMEND REGULATION NO. 26
AND CLOSE RULEMAKING DOCKET

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”) for its
Petition to Withdraw Rulemaking to Amend Regulation No. 26 and to Close the Rulemaking
Docket states:

1. On September 28, 2012, the Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC” or “Commission”) initiated rulemaking for proposed changes to Regulation No. 26. See Minute Order 12-43, attached hereto as “Exhibit A.”
2. This proposed rulemaking was initiated in response to revisions to the United States Environmental Protection Agency’s update to the National Ambient Air Quality Standards for PM_{2.5}.
3. The Commission initiated rulemaking in order to provide a minor permit modification threshold for PM_{2.5}.
4. The public hearing for Regulation No. 26 was held on November 13, 2012, and the public comment period was extended through December 19, 2012. In addition to the initial public hearing and comment periods, multiple stakeholder meetings also occurred.
5. During the comment period, ADEQ received nine (9) comments specifically addressing proposed revisions to Regulation No. 26, and forty-eight (48) “General” comments associated with Regulation No. 26 that were also considered by ADEQ as part of this docket.
6. Based on feedback received from Legislative committees and commenters, ADEQ

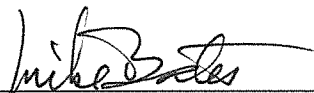
determined that adopting the PM_{2.5} NAAQS to comply with Arkansas's State

Implementation Plan obligations to the federal government related to Prevention of Significant Deterioration implementation may be achieved through revisions to APC&EC Regulation No. 19, and that proposed changes to Regulation No. 26 may be tabled for later revision without causing detriment to the Arkansas air permitting program.

7. Accordingly, ADEQ respectfully requests that APC&EC adopt the attached proposed Minute Order ("Exhibit B"), which would withdraw the proposed rule change and close the rulemaking docket.

WHEREFORE, ADEQ requests that APC&EC grant this request to withdraw the proposed rule change and adopt the proposed Minute Order, which will close Docket No. 12-011-R.

Respectfully Requested,

By: 
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