


# MEMORANDUM

Date: November 21, 2014

To: Arkansas Pollution Control and Ecology Commission ("Commission")

From: Mike Bates, Chief, Air Division, Arkansas Department of Environmental Quality ("ADEQ") 

**RE: Compliance with Act 143 of 2007**

A majority of the proposed changes to Regulation No. 26 are exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because the proposed revisions substantially codify existing federal law. Please see the attached Memorandum, addressing Charles Moulton, Administrative Law Judge with the Commission, which lists each of the federal rules corresponding with revisions.

However, two proposed revisions, the proposed addition of a definition for "Emission increase" at Chapter 2 *Definitions*, consistent with the proposed revision for Regulation No. 19, and the proposed addition of ten (10) tons per year threshold for PM<sub>2.5</sub> increases at Reg. 26.1002 *Minor permit modification applicability*, are not exempt from an Economic Impact Statement (EIS). Attached is an electronic message from ADEQ staff to Ms. Pat Brown of the Arkansas Economic Development Commission ("AEDC"). ADEQ staff requested expedited review from AEDC if ADEQ could provide that documentation by November 21, 2014. On November 21, 2014, the proposed rule changes (Exhibit "A," of the Initiation Packet), the EIS (Exhibit "E," of the Initiation Packet), and the Memorandum outlining substantive revisions were submitted to AEDC for review pursuant to Act 143 of 2007, as amended by Act 809 of 2009. At such time AEDC provides documentation of its review of the proposed changes to Regulation No. 26, ADEQ will supplement

this Memorandum by filing the response from AEDC with the Commission's Secretary, and by placing an electronic copy of the response on the Commission's website.

## **Droke, Erika**

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**From:** Sartain, Elizabeth  
**Sent:** Wednesday, November 19, 2014 2:46 PM  
**To:** pbrown@arkansasedc.com  
**Cc:** Bates, Mike; Davis, Anthony; Droke, Erika; Jacobs, Flavia; West, Tommi; Morgan, Lesley  
**Subject:** Review under Act 143 of 2007

Dear Ms. Brown,

I work at the Arkansas Department of Environmental Quality and we are working on revisions to three of our air quality regulations which we would like to present to the Arkansas Pollution Control and Ecology Commission at their December 5<sup>th</sup> meeting.

In order to allow for the 10-day AEDC review of the proposed revisions, we would need to email them to you no later than today, November 19, 2014. At this time, our proposed changes are still under internal review and it is unlikely we have final approval to send the regulations to you by today, November 19th. If we were able to finalize all the paperwork and send the revisions to you by close of business November 21, 2014, would you be able to grant request of expedited review by December 4, 2014?

Thank you for your consideration.

Elizabeth Sartain  
Environmental Program Coordinator  
Air Division  
Arkansas Department of Environmental Quality  
5301 Northshore Dr.  
North Little Rock, AR 72118  
(501) 682-0719  
(501) 682-0880 (fax)

## Droke, Erika

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**From:** Droke, Erika  
**Sent:** Friday, November 21, 2014 2:40 PM  
**To:** pbrown@arkansasedc.com  
**Cc:** Sartain, Elizabeth  
**Subject:** Act 143: Review of APC&EC Regulation 26 proposed revisions  
**Attachments:** E\_Reg26\_2012PM\_EIS\_11-21-14.pdf; A\_Reg26\_2012PM\_Markup\_11-21-14.pdf

Ms. Brown,

Please find attached Arkansas Pollution Control and Ecology Commission's proposed revisions to **Regulation Number 26**, and an Economic Impact Statement which was prepared pursuant to Act 143 of 2007. The proposed revisions to Regulation No. 26 are not expected to have an impact on small businesses in the State of Arkansas.

Changes to this air pollution control regulation were made in order to implement the United States Environmental Protection Agency's current National Ambient Air Quality Standards ("NAAQS") for PM2.5, PM10, ozone, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide.

Please do not hesitate to contact me should you have any questions or comments.

Thank you for your time,

Erika Droke  
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