


Memorandum

ARKANSAS POLLUTION CONTROL
& ECOLOGY COMMISSION
FILED BY
2014 NOV 21 PM 2:22

TO: Charles Moulton, Administrative Law Judge, Arkansas Pollution Control and Ecology Commission

FROM: Mike Bates, Chief, Air Division 

DATE: November 21, 2014

SUBJECT: Proposed Revisions to Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program

The Arkansas Department of Environmental Quality (ADEQ) proposes revisions to Regulation No. 26, Regulations of the Arkansas Operating Air Permit Program.

ADEQ is proposing revisions to Regulation No. 26 in order to include 2012 revised federal National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}). On January 15, 2013, the Environmental Protection Agency (EPA) published a final rule in the Federal Register which promulgated revised primary (health-based) standards for fine particles and revised the annual PM_{2.5} standard by lowering the level to 12.0 micrograms per cubic meter (mg/m³). EPA's revised primary standard provide increased protection against health effects associated with long- and short-term exposures (including premature mortality, increased hospital admissions and emergency department visits, and development of chronic respiratory disease), and which retained the 24-hour PM_{2.5} standard at a level of 35 mg/m³. (78 FR 3086, January 15, 2013.) In response, ADEQ proposes a limit of 10 tons per year of direct PM_{2.5} emissions as a threshold for allowing a source to make changes without a public notice process or a preconstruction permit at Reg. 26.1002.

ADEQ is proposing to update the incorporation date for 40 C.F.R. Part 70 throughout Regulation No. 26 to reflect current federal law(75 FR 31607, June 3, 2010).

ADEQ is proposing to update incorporation dates for Global Warming Potentials to include the federal revisions, as published in the Federal Register on November 29, 2013. (78 FR 71948, November 29, 2013.)

ADEQ is proposing to add a definition of "Emission increase" consistent with the definition currently proposed for Regulation No. 19.

ADEQ is also proposing to remove language related to the temporary carbon dioxide "biomass exemption" which was adopted into Regulation No. 26 on October 26, 2012. On July 21, 2014, the exemption language expired automatically and the exemption is not currently effective.

Additional minor changes were made for clarification and consistency purposes, and to correct typographical errors throughout Regulation No. 26.