

## REGULATION NO. 19 CROSSWALK AND REGULATORY LANGUAGE COMPARISON

### Regulation No. 19, Chapter 1

Previous Citation	New Citation	Comments
<p><b>Reg. 19.101 Title</b></p> <p>The following rules and regulations, adopted in <del>accordance with the provisions of</del> Subchapter 2 of the Arkansas Water and Air Pollution Control Act, <del>Arkansas Code Annotated</del> (Ark. Code Ann.) § 8-4-201 <i>et seq.</i>, shall be known as <del>“Regulations of the Arkansas Plan of Implementation of Air Pollution Control,”</del> hereinafter referred to as the <del>“Regulations of the Plan,”</del> and <del>“Regulation 19.”</del></p>	<p><b>Reg. 35.101 Title</b></p> <p>The following rules and regulations, adopted pursuant to Subchapter 2 of the Arkansas Water and Air Pollution Control Act (Ark. Code Ann. 8-4-101, <i>et seq.</i>) shall be referred to as the <u>“Arkansas Air Quality Regulation”</u> hereinafter <u>“Regulation 35”</u> or <u>“this Regulation.”</u></p>	<p>The title provision in Regulations No. 18, 19, 26, and 31 have been consolidated. Change reflects the title of the new regulation.</p>
<p><b>Reg. 19.102 Applicability</b></p> <p><del>These regulations are</del> applicable to any stationary source <del>which</del> has the potential to emit any federally regulated air pollutant.</p>	<p><b>Reg. 35.102 Applicability</b></p> <p>(A) <u>Regulation No. 35 is</u> applicable to any stationary source <u>that emits or</u> has the potential to emit any federally-regulated air pollutant.</p>	
<p><b>Reg. 19.103 Intent and Construction</b></p> <p>(A) <del>The purpose and intent of Regulation 19, as amended, is to provide a clear delineation of</del> those regulations that are promulgated by the Commission <del>in satisfaction of</del> certain requirements of the <del>federal</del> Clean Air Act, <del>42 United States Code (U.S.C.) § 7401 et seq., as</del></p>	<p><b>Reg. 35.103 Intent and Construction</b></p> <p>(A) <u>Regulation 35 consists of those rules and regulations deemed necessary and desirable by the Arkansas Pollution Control and Ecology Commission</u></p> <p><u>(1) For the control of air pollution pursuant to its rulemaking mandates under State law</u></p>	<p>Some similar provisions in Regulations No. 18, 19, 26, and 31 have been consolidated. Additional information has been added to explain the construction of the consolidated regulation.</p> <p>In addition, some language has been rearranged. The as</p>

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<p><del>of July 1, 1997,</del> and the federal regulations stemming therefrom. Federal programs that the Department is responsible for administering include, but are not limited to, the attainment and maintenance of the National Ambient Air Quality Standards (40 <del>Code of Federal Regulations</del> [C.F.R.] Part 50); certain delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60); provisions designed for the Prevention of Significant Deterioration (40 C.F.R. § 52.21), minor new source review as described in Chapter 4 (40 C.F.R. Part 51), and certain delegated subparts of the National Emission Standards for Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63) <del>as of July 1, 1997. This subsection</del> shall not be construed as limiting the future delegation of federal programs to the Department for administration.</p>	<p><u>[Ark. Code Ann. § 8-4-311(b)(1) and § 8-1-203(b)(1)]; and</u></p> <p><u>(2) To satisfy</u> certain requirements of the Clean Air Act and the federal regulations stemming therefrom.</p> <p><u>(D)</u> Federal programs that the Department is responsible for administering include, but are not limited to:</p> <p><u>(1) Attainment and maintenance of the national ambient air quality standards</u> (40 C.F.R. Part 50);</p> <p><u>(2) Certain delegated subparts of the New Source Performance Standards</u> (40 C.F.R. Part 60);</p> <p><u>(3) Provisions designed for the Prevention of Significant Deterioration</u> (40 C.F.R. 52.21);</p> <p><u>(4) Minor new source review as described in Chapter 10 of this Regulation</u> (40 C.F.R. Part 51); and</p> <p><u>(5) Certain delegated subparts of the National Emission Standards for Hazardous Air Pollutants</u> (40 C.F.R. Parts 61 and 63).</p>	<p>of date for NESHAPs has been removed as we have a more recent delegation letter.</p>

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	<p>(6) <u>Reg. 35.103(D) shall not limit</u> the future delegation of federal programs to the Department for administration.</p>	
<p><b>Reg. 19.103 Intent and Construction</b></p> <p>(B) Regulation <del>19, as amended, is further intended</del> to limit the federal enforceability of <del>its</del> requirements to only those mandated by federal law. Regulation <del>19, as amended, is also intended</del> to facilitate a permit system for stationary sources within the State, <del>which</del> permit shall <del>provide</del> <del>which</del> provisions are federally enforceable and <del>which</del> provisions are <del>state</del> enforceable.</p>	<p><b>Reg. 35.103 Intent and Construction</b></p> <p>(F) <u>The Arkansas Pollution Control and Ecology Commission intends Regulation 35</u> to limit the federal enforceability of <u>this Regulation's</u> requirements to only those mandated by federal law. <u>The Arkansas Pollution Control and Ecology Commission intends Regulation 35</u> to facilitate a permit system for stationary sources within the State. <u>Each</u> permit shall designate <u>the</u> provisions <u>that are</u> federally enforceable and <u>the</u> provisions <u>that are</u> State enforceable.</p>	
<p><b>Reg. 19.103 Intent and Construction</b></p> <p>(C) Regulation <del>19, as amended,</del> presumes a single-permit system, encompassing both federal and <del>state</del> requirements. A regulated facility <del>which</del> is subject to permitting under Regulation <del>19</del> shall be required to apply for and comply with only one permit, even though that permit may contain conditions derived from the federal mandates contained in Regulation <del>19</del>, as well as conditions predicated solely on <del>state</del> law.</p>	<p><b>Reg. 35.103 Intent and Construction</b></p> <p>(G) Regulation <u>35</u> presumes a single-permit system, encompassing both federal and <u>S</u>tate requirements. A regulated stationary source <u>that</u> is subject to permitting under Regulation <u>35</u> shall be required to apply for and comply with only one permit, even though that permit may contain conditions derived from the federal mandates contained in Regulation <u>35</u>, as well as conditions predicated solely on <u>S</u>tate law. Regulation 35,</p>	

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<p>Regulation <del>19</del>, through construction or implication, shall not support the conclusion that all conditions of a permit have become federally enforceable because the permit contains provisions derived from Regulation <del>19</del>. Permits or permit conditions issued under the authority of <del>s</del>state law, or enforcement issues arising out of <del>s</del>state law, shall not be federally enforceable.</p>	<p>through construction or implication, shall not support the conclusion that all conditions of a permit have become federally enforceable because the permit contains provisions derived from Regulation 35. Permits or permit conditions issued under the authority of <u>S</u>tate law, or enforcement issues arising out of <u>S</u>tate law, shall not be federally enforceable.</p>	
<p><b>Reg. 19.103 Intent and Construction</b></p> <p>(D) To the extent consistent with <del>s</del>state law and efficient protection of the State’s air quality, Regulation <del>19</del> shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with <del>federal</del> mandates. Any applicable documents (e.g. “White Papers,” regulatory preambles, or interpretive memoranda) issued by the EPA <del>which</del> are consistent with this policy and the legislative intent of <del>s</del>state laws governing air pollution control (Ark. Code Ann. § 8-4-301 <i>et seq.</i>) are aids for construing the requirements of Regulation <del>19</del>. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this <del>r</del>egulation unless manifestly inconsistent with its substantive terms.</p>	<p><b>Reg. 35.103 Intent and Construction</b></p> <p>(E) To the extent consistent with <u>S</u>tate law and efficient protection of the State’s air quality, Regulation <u>35</u> shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with <u>regulatory</u> mandates. Any applicable documents (e.g. “White Papers”, regulatory preambles, or interpretive memoranda) issued by the EPA <u>or the Department that</u> are consistent with this policy and the legislative intent of <u>S</u>tate laws governing air pollution control (Ark. Code Ann. §§ 8-4-301, <i>et seq.</i>) are aids for construing the requirements of Regulation <u>35</u>. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this <u>R</u>egulation unless manifestly inconsistent with its substantive terms.</p>	

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<p><b>Reg. 19.103 Intent and Construction</b></p> <p>(E) Nothing in Regulation <del>19</del> shall be construed as curtailing the Department's or Commission's authority under <del>state</del> law.</p>	<p><b>Reg. 35.103 Intent and Construction</b></p> <p>(H) Nothing in Regulation <u>35</u> shall be construed as curtailing the Department's or the <u>Arkansas Pollution Control and Ecology</u> Commission's authority under <u>State</u> law.</p>	
<p><b>Reg. 19.104 Severability</b></p> <p>If any provision of Regulation <u>19</u> is determined to be invalid, <del>such</del> invalidity shall not affect other provisions of Regulation <del>19</del>.</p> <p><del>If federal legislation or a federal court stays, invalidates, delays the effective date of, or otherwise renders unenforceable, in whole or in part, EPA's regulation of greenhouse gases, then the provisions of Regulation 19 concerning greenhouse gases based thereon shall be stayed and</del></p>	<p><b>Reg. 35.104 Severability</b></p> <p>If any provision of <u>this Regulation, or the application of the provision to any person or circumstance, is held invalid, the remainder of this Regulation, or the application of the provision to persons or circumstances other than those that are held invalid, shall not be affected thereby.</u></p>	<p>Some similar provisions in Regulations No. 18, 19, 26, and 31 have been consolidated.</p> <p>Federal law is settled on the validity of EPA's GHG regulations. Step 1 and 3 of the tailoring rule were upheld. Step 2 was vacated. See 80 FR 50199. Any provision pertaining to GHGs in Regulation No. 19 that applied to sources other than PSD anyway sources has not been included in Regulation No. 35.</p>

**Regulation No. 19, Chapter 2**

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<p><del>Terms and phrases used in this regulation which are not explicitly defined herein shall have the same meaning as those terms which are used in the federal Clean Air Act. For purposes of this regulation:</del></p>	<p><u>None</u></p>	<p>This introductory paragraph is not true for those paragraphs with their own definition section.</p>
<p><b>Regulation No. 19, Chapter 2</b>  <b>“12-month period”</b> means a period of 12 consecutive months determined on a rolling basis with a new <del>12-</del> month period beginning on the first day of each calendar month.</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“<u>Twelve</u>-month period”</b> means a period of <u>twelve</u> (12) consecutive months determined on a rolling basis with a new <u>twelve</u>-month period beginning on the first day of each calendar month.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  <b>“Actual emissions”</b> means the quantity of federally regulated air pollutants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“Actual emissions”</b> means the quantity of federally regulated air pollutants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  <b>“CO<sub>2</sub>-equivalent emissions”</b> (CO<sub>2</sub>e) shall represent an amount of GHGs emitted, <del>and shall be</del> computed by multiplying the mass amount of emissions <del>tpy</del>, for each of the six <del>greenhouse</del> gases in <del>the pollutant</del> GHGs, by the gas’s associated global warming potential published at Table A - 1 to Subpart A of 40 C.F.R. Part 98- Global Warming Potentials <del>(which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948])</del>, and summing the resultant value for each <del>to compute a tpy CO<sub>2</sub>-equivalent emissions</del>.</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“CO<sub>2</sub>e”</b> shall represent an amount of GHG emitted <u>that is</u> computed by multiplying the mass amount of emissions <u>in tons per year</u>, for each of the six <u>(6)</u> gases in GHG, by the gas’s associated global warming potential published at Table A-1 to Subpart A of 40 C.F.R. Part 98 <u>“Global Warming Potentials”</u> and summing the resultant value for each. <u>Table A-1 to Subpart A of 40 C.F.R. Part 98 is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948]).</u></p>	

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<p><b>Regulation No. 19, Chapter 2</b>  “Commission” means the Arkansas Pollution Control and Ecology Commission.</p>	<p>None</p>	<p>The term “Arkansas Pollution Control and Ecology Commission” is used throughout Regulation No. 35 rather than shortening to “Commission.”</p>
<p><b>Regulation No. 19, Chapter 2</b>  “Construction” means fabrication, erection, or installation of equipment. See also 40 C.F.R. § 60.2, 40 C.F.R. § 51.165, and 40 C.F.R. § 52.21.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Construction” means fabrication, erection, installation, demolition, or modification of equipment. See also 40 C.F.R. 60.2, 40 C.F.R. 51.165, and 40 C.F.R. 52.21.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Control apparatus” means any device <del>which</del> prevents, controls, detects or records the emission of any federally regulated air pollutants.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Control apparatus” means any device <u>that</u> prevents, controls, detects, or records the emission of any federally-regulated air pollutant.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Department” means the Arkansas Department of Environmental Quality, or its successor. When reference <del>is made in this regulation</del> to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Department” means the Arkansas Department of Environmental Quality, or its successor. When <u>this Regulation</u> makes reference to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Director” means the Director of the Arkansas Department of Environmental Quality, or its successor, acting directly or through the staff of the Department.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Director” means the Director of the Arkansas Department of Environmental Quality, or its successor, acting directly or through the staff of the Department.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Emission limitation” and “emission standard” mean a requirement established by the Department or the Administrator <del>of the EPA which</del> limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements <del>which</del> limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Emissions limitation” and “emission standard” mean a requirement established by the Department or the Administrator <u>that</u> limits the emissions of federally-regulated air pollutants on a continuous basis, including any requirements <u>that</u> limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure</p>	<p>“of the EPA” is removed because the term Administrator is defined as the Administrator of the United States Environmental Protection Agency or his/her designee.</p>

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source to assure continuous emission reduction.	continuous emission reduction.	
<p><b>Regulation No. 19, Chapter 2</b>  “Emission unit” means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally regulated air pollutant.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Emissions unit” means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally-regulated air pollutant. <u>This term is not meant to alter or affect the definition of the term “Unit” for purposes of Title IV of the Clean Air Act.</u></p>	Regulation No. 19 and 26 definitions were combined.
<p><b>Regulation No. 19, Chapter 2</b>  “EPA” means the United States Environmental Protection Agency.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “EPA” means the United States Environmental Protection Agency.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Equipment” means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of a federally regulated air pollutant into the open air, and any stack, conduit, flue, duct, vent, or similar device connected or attached to or serving the equipment.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Equipment” means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of an federally-regulated air pollutant into the open air, and any stack, conduit, flue, duct, vent, or similar device connected or attached to, or serving the equipment.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  <del>“Federal Clean Air Act” or “Clean Air Act” or “FCAA” or “the Act”</del> means the federal Clean Air Act, as amended, 42 U.S.C. 7401, <i>et seq.</i> and its implementing regulations <del>as of the effective date of this regulation.</del></p>	<p><b>Regulation No. 35, Chapter 2</b>  “Clean Air Act” means the federal Clean Air Act, as amended, 42 U.S.C. §§ 7401, <i>et seq.</i> and its implementing regulations.</p>	Replaced all other terms that mean “Clean Air Act” with Clean Air Act. Removed as of date.
<p><b>Regulation No. 19, Chapter 2</b>  “Federally regulated air pollutant” means the following:  (A) Nitrogen oxides or any volatile organic compounds;</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Federally-regulated air pollutant” means the following:  (A) Nitrogen oxides or any volatile organic</p>	<p>Consolidated with “Regulated Air Pollutant.”</p> <p>US Code citations replaced with the term Clean Air Act, which is defined as US Code</p>

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<p>(B) Any pollutant for which a <del>National Ambient Air Quality Standard</del> has been promulgated;</p> <p>(C) Except as provided in (E), any pollutant that is subject to any standard promulgated under <del>42 U.S.C. § 7401, et seq.</del>, as of the effective date of this <del>regulation</del>;</p> <p>(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, <del>42 U.S.C. § 7401, et seq. as amended as of July 1, 1997.</del></p> <p>(E) GHGs, except that GHGs shall not be a <del>Federally Regulated Air Pollutant</del> unless the GHG emissions are:</p> <p><del>(1) from a stationary source emitting or having the potential to emit 75,000 tpy CO2e emissions or more; and</del></p> <p><del>(2) regulated under Chapter 9 of this Regulation 19.</del></p>	<p>compounds;</p> <p>(B) Any pollutant that has a promulgated <u>n</u>ational <u>a</u>mbient <u>a</u>ir <u>q</u>uality <u>s</u>tandard;</p> <p>(C) Except as provided in <u>Paragraph</u> (E) <u>of this definition</u>, any pollutant that is subject to any standard promulgated under <u>the Clean Air Act</u> as of the effective date of this <u>Regulation</u>.</p> <p>(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act.</p> <p>(E) GHG, except that GHG shall not be a <u>f</u>ederally-<u>r</u>egulated <u>a</u>ir <u>p</u>ollutant unless the GHG emissions are regulated under Chapter <u>11</u> of this <u>Regulation</u>.</p>	<p>§ 7401, <i>et seq.</i></p>
<p><b>Regulation No. 19, Chapter 2</b>  “Fugitive emissions” means those emissions <del>which</del> could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. <del>Those emissions are those that, according to customary and good engineering practice, considering technological and economic feasibility, could not pass through a stack, chimney, vent or other functionally equivalent opening, except that the Department will utilize the definition of fugitive emissions for those industries for which an approved EPA definition exist under federal law or regulation and which are meeting that law or regulation.</del></p>	<p><b>Regulation No. 35, Chapter 2</b>  “Fugitive emissions” means those emissions <u>that</u> could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.</p>	<p>Merged Regulation No. 18 and 19 definitions.</p>

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<p><b>Regulation No. 19, Chapter 2</b>  “Greenhouse gases” (<del>GHGs</del>) means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “<u>GHG</u>” or “greenhouse gases” means the aggregate group of the following six <u>(6)</u> gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Hazardous Air Pollutant” <del>or</del> “<u>HAP</u>” means any air pollutant listed pursuant to § 112 <del>of the Clean Air Act</del>, as amended, <del>42 U.S.C. § 7401, et seq.</del>, as of the effective date of this <del>r</del>egulation.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Hazardous air pollutant” means any pollutant listed pursuant to <u>Clean Air Act</u> § 112, as amended, as of the effective date of this <u>R</u>egulation.</p>	Unnecessary to redefine where the Clean Air Act is codified.
<p><b>Regulation No. 19, Chapter 2</b>  “Modification” means any physical change in, or change in the method of operation of, a stationary source <del>which</del> increases the emission rate of any federally regulated air pollutant over permitted rates or <del>which</del> results in the emission of a federally regulated air pollutant not previously emitted, except that:</p> <p>(A) Routine maintenance, repair, and replacement shall not be considered a physical change<del>r</del>; and</p> <p>(B) The following shall not be considered a change in the method of operation:</p> <p>(1) Any change in the production rate, if <del>such</del> change does not exceed the permitted operating capacity of the source;</p> <p>(2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or</p> <p>(3) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Modification” means any physical change in or change in the method of operation of a stationary source <u>that</u> increases the emission rate of any federally-regulated air pollutant over permitted rates or <u>that</u> results in the emission of a federally-regulated air pollutant not previously emitted, except:</p> <p>(A) Routine maintenance, repair, and replacement shall not be considered a physical change<del>r</del>; and</p> <p>(B) The following shall not be considered a change in the method of operation:</p> <p>(1) Any change in the production rate, if <u>the</u> change does not exceed the permitted operating capacity of the source;</p> <p>(2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or</p> <p>(3) The use of an alternative fuel or raw material, as long as it does not violate applicable air permit conditions.</p>	

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(C) <i>De Minimis</i> changes, as defined in Reg. <del>19.407(C)</del> , and changes in ownership shall not be considered.	(C) <i>De Minimis</i> changes, as specified in Reg. <u>35.1007(C)</u> , and changes in ownership shall not be considered <u>modifications</u> .	
<p><b>Regulation No. 19, Chapter 2</b>  “National Ambient Air Quality Standards” or “NAAQS,” means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on <del>January 15, 2013 (78 FR 3086)</del>, as set forth in Appendix B of <del>Regulation 19</del>.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “National ambient air quality standard” means those ambient air quality standards promulgated by the EPA in 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on <u>October 26, 2015 (80 FR 65292)</u>, as set forth in Appendix B of <u>this Regulation</u>.</p>	Updated to reflect the 2015 NAAQS. The APC&EC initiated a rulemaking to amend Regulation No. 19 to make this change; however, that rulemaking has not yet undergone legislative review and been adopted.
<p><b>Regulation No. 19, Chapter 2</b>  “NAAQS state implementation plan or “NAAQS SIP” (as defined by Ark. Code Ann. § 8-4-303) means a state implementation plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act, 42 U.S.C. § 7401 <i>et seq.</i>, for the attainment and maintenance of a specified NAAQS in each air quality control region or portion of an air quality control region within the state.</p>	None	A provision was proposed in a previous rulemaking that used this term; however, that provision was not finalized. This term is not used anywhere in Regulation No. 35; therefore, the definition is not retained.
<p><b>Regulation No. 19, Chapter 2</b>  “Opacity” means the degree <del>to which</del> air emissions reduce the transmission of light and obscure the view of an object in the background.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Opacity” means the degree <u>that</u> air emissions reduce the transmission of light and obscure the view of an object in the background.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Operator” means any person who leases, operates, controls, or supervises any equipment affected by <del>these regulations</del>.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Operator” means any person who leases, operates, controls, or supervises any equipment affected by <u>this Regulation</u>.</p>	

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<p><b>Regulation No. 19, Chapter 2</b>  “Owner” means any person who has legal or equitable title to any source, facility, or equipment affected by <del>these regulations</del>.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Owner” means any person who has legal or equitable title to any source, facility, or equipment affected by <u>this Regulation</u>.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Particulate matter” or “PM” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than 100 micrometers.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than <u>one hundred (100)</u> micrometers.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Particulate matter emissions” means all particulate matter, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, specified in 40 C.F.R. Part 60 Appendix A as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257), or by a test method specified in <del>these regulations</del> or any supplement thereto, with the exception of condensable particulate matter.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Particulate matter emissions” means all particulate matter, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, specified in 40 C.F.R. Part 60 Appendix A as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257), or by a test method specified in <u>this Regulation</u> or any supplement thereto, with the exception of condensable particulate matter.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Person” means any individual or other legal entity or their legal representative or assignee.</p>	<p><b>Regulation No. 35, Chapter 2</b>  “Person” means any individual or other legal entity or their legal representative or assignee.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  “Plan” means the Arkansas Plan of Implementation for Air Pollution Control.</p>	None	All instances of Plan were replaced with either “this Regulation,” “Regulation 35” or “state implementation plan” as appropriate
<p><b>Regulation No. 19, Chapter 2</b>  “PM<sub>2.5</sub>” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and <del>one-half</del></p>	<p><b>Regulation No. 35, Chapter 2</b>  “PM<sub>2.5</sub>” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and <u>five-</u></p>	

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<p>(2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2006 (71 FR 61226), or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.</p>	<p><u>tenths</u> (2.5) micrometers as measured by a reference method based on Appendix L of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2006 (71 FR 61226), or by an approved regional method designated in accordance with Appendix C of 40 C.F.R. Part 53.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  <b>“PM<sub>2.5</sub> emissions”</b> means PM<sub>2.5</sub> emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in these regulations or any supplement thereto.</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“PM<sub>2.5</sub> emissions”</b> means PM<sub>2.5</sub> emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test method specified in this Regulation or any supplement thereto.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  <b>“PM<sub>10</sub>”</b> means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on August 7, 1987 (52 FR 29467), or by an equivalent method designated in accordance with 40 C.F.R. Part 53 <del>as of December 8, 1984.</del></p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“PM<sub>10</sub>”</b> means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based upon Appendix J of 40 C.F.R. Part 50 as of the effective date of the federal final rule published by EPA in the Federal Register on August 7, 1987 (52 FR 29467), or by an equivalent method designated in accordance with 40 C.F.R. Part 53.</p>	<p>As of 1984 date removed. This as of date was not included in Regulation No. 18.</p>
<p><b>Regulation No. 19, Chapter 2</b>  <b>“PM<sub>10</sub> emissions”</b> means PM<sub>10</sub> emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452), or by a test</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“PM<sub>10</sub> emissions”</b> means PM<sub>10</sub> emitted to the ambient air as measured by an applicable reference method, or by an equivalent or alternate method, specified in 40 C.F.R. Part 51, Appendix M as of the effective date of the federal final rule published by EPA in the Federal</p>	

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<p>method specified in <del>these regulations</del> or any supplement thereto.</p>	<p>Register on April 2, 2014 (79 FR 18542), or by a test method specified in <u>this Regulation</u> or any supplement thereto.</p>	
<p><b>Regulation No. 19, Chapter 2</b>  <b>“Potential to emit”</b> means the maximum capacity of a stationary source to emit a federally regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a federally regulated air pollutant, including, but not, limited to, air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable to the extent it is regulated by the federal Clean Air Act, <del>42 U.S.C. § 7401 et seq.</del> Secondary air emissions do not count in determining the potential to emit of a stationary source.</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“Potential to emit”</b> means the maximum capacity of a stationary source to emit a federally-regulated air pollutant under its physical and operational design.</p> <p><u>(A)</u> Any physical or operational limitation on the capacity of the source to emit a federally-regulated air pollutant, including, but not limited to:</p> <p><u>(1)</u> <u>Air pollution control equipment;</u> and</p> <p><u>(2)</u> <u>Restrictions on hours of operation or on the type or amount of material combusted, stored, or processed. <u>These restrictions shall be treated as part of the stationary source’s</u> design only if the limitation or the effect it would have on emissions is enforceable to the extent it is regulated by the Clean Air Act.</u></p> <p><u>(B)</u> Secondary emissions do not count in determining the potential to emit of a stationary source.</p> <p><u>(C)</u> <u>This definition does not alter or affect the use of this term for any other purposes under the Clean Air Act, or the term “capacity factor” as used in Clean Air Act Title IV or the regulations</u></p>	<p>Regulation No. 19 and 26 definitions for “Potential to emit” merged and restructured.  As of date for the Clean Air Act removed. The Clean Air Act was last amended in 1990. Arkansas must continue to comply with the Clean Air Act and its implementing regulations, including those passed after February 15, 1999.</p>

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	<u>promulgated thereunder.</u>	
<p><b>Regulation No. 19, Chapter 2</b>  <b>“Responsible official”</b> means one of the following:</p> <p>(A) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative or <del>such</del> person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:</p> <p>(1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 United States dollars); or</p> <p>(2) The delegation of authority to <del>such</del> representative <del>is approved in advance by the Department</del>;</p> <p>(B) For partnership or sole proprietorship: a general partner or the proprietor, respectively;</p> <p>(C) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this regulation, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA);</p>	<p><b>Regulation No. 35, Chapter 2</b>  <b>“Responsible official”</b> means one of the following:</p> <p>(A) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of <u>the</u> person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:</p> <p>(1) The facilities employ more than <u>two hundred fifty (250)</u> persons or have gross annual sales or expenditures exceeding <u>twenty-five million dollars (\$25,000,000)</u> (in second quarter 1980 United States dollars); or</p> <p>(2) <u>The Department approves in advance</u> the delegation of authority to <u>the</u> representative;</p> <p>(B) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;</p>	

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<p>or</p> <p>(D) For acid rain sources:</p> <p>(1) The designated representative <del>insofar</del> as actions, standards, requirements, or prohibitions under Title IV <del>of the Act</del> or the regulations promulgated thereunder are concerned; and</p> <p>(2) The designated representative for any other purposes under Part 70.</p>	<p>(C) For a municipality, State, <u>f</u>ederal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this <u>R</u>egulation, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or</p> <p>(D) For acid rain sources:</p> <p>(1) The designated representative <u>in so far</u> as actions, standards, requirements, or prohibitions under <u>Clean Air Act</u> Title IV or the regulations promulgated thereunder are concerned; and</p> <p>(2) The designated representative for any other purposes under Part 70.</p>	
<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>Secondary emissions</b>” means those emissions of federally regulated air pollutants <del>which</del>, although associated with a source, <del>are not emitted from the source itself</del>.</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>Secondary emissions</b>” means those emissions of federally-regulated air pollutants <u>that</u>, although associated with a source, <u>the source itself does not emit</u>.</p>	
<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>Shutdown</b>” means the cessation of operations of equipment.</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>Shutdown</b>” means the cessation of operation of equipment.</p>	

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<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>Startup</b>” means the setting in operation of equipment.</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>Startup</b>” means the setting in operation of equipment.</p>	
<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>State implementation plan</b>” <del>or “SIP” (as defined at Ark. Code Ann. § 8-4-303);</del> means a plan that specifies measures to be used in the implementation of the state's duties under the Clean Air Act, 42 U.S.C. § 7401 <i>et seq.</i>, and that is developed by the department and submitted to the EPA for review and approval.</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>State implementation plan</b>” means a plan that specifies measures to be used in the implementation of the State’s duties under the Clean Air Act, 42 U.S.C. §§ 7401, <i>et seq.</i>, and that is developed by the Department and submitted to the EPA for review and approval.</p>	
<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>Stationary source</b>” means any building, structure, facility, or installation <del>which</del> emits or may emit any federally regulated air pollutant.</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>Stationary source</b>” means any building, structure, facility, or installation <u>that</u> emits or may emit any federally regulated air pollutant.</p>	
<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>Title I modification</b>” means any modification as defined under any regulation promulgated pursuant to Title I of the federal Clean Air Act. <i>De minimis</i> changes under <del>Regulation—19</del>, changes to state only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>Title I modification</b>” means any modification as defined under any regulation promulgated pursuant to Title I of the Clean Air Act. <i>De Minimis</i> changes under <u>this Regulation</u>, changes to State-only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.</p>	
<p><b>Regulation No. 19, Chapter 2</b></p> <p>“<b>Volatile organic compounds</b>” <del>or “VOC”</del> means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate; <del>which</del> participates in atmospheric photochemical reactions.</p> <p>(A) This includes any such organic compound other than the following, which have been determined</p>	<p><b>Regulation No. 35, Chapter 2</b></p> <p>“<b>Volatile organic compounds</b>” means any compound of carbon—excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—<u>that</u> participates in atmospheric photochemical reactions.</p> <p>(A) This includes any organic compound other than the following, which have been determined to</p>	<p>EPA added t-butyl acetate and cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mz-Z) to the list of compounds with negligible photochemical reactivity. See 83 FR 61127 and 81 FR 9339. Additional chemical names</p>

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<p>to have negligible photochemical reactivity:</p> <p>acetone; methane; ethane; methylene chloride (dichloromethane); 1,1,1- trichloroethane (methyl chloroform); tetrachloroethylene (perchloroethylene); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2, 2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca);</p>	<p>have negligible photochemical activity:</p> <p>acetone; methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); tetrachloroethylene (perchloroethylene); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HCFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); <u>fluoroethane</u> (ethyl fluoride <u>or</u> HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea);</p>	<p>were corrected per feedback from Commissioner Stites.</p>

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<p>1,1,2,3,3-pentafluoropropane (HFC 245ea);  1,1,1,2,3-pentafluoropropane (HFC-245eb);  1,1,1,3,3-pentafluoropropane (HFC-245fa);  1,1,1,2,3,3-hexafluoropropane (HFC-236ea);  1,1,1,3,3-pentafluorobutane (HFC-365mfc);  chlorofluoromethane (HCFC-31);  1 chloro-1-fluoroethane (HCFC-151a);  1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);  1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub> or HFE-7100);  2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>);  1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub> or HFE 7200);  2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);  methyl acetate;  1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (<del>n</del>-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub> or HFE-7000);  3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);  1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);  methyl formate (HCOOCH<sub>3</sub>);  1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);  propylene carbonate;  dimethyl carbonate;  <del>trans</del>-1,3,3,3-tetrafluoropropene (HFO-1234ze);  HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134);  HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236cal2);  HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338pcc13);  HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 [or 150 or 180]);  <del>trans</del>-1-chloro-3,3,3-trifluoroprop-1-ene;  2,3,3,3-tetrafluoropropene;  2-amino-2-methyl-1-propanol;</p> <p>and perfluorocarbon compounds <b>which</b> fall into</p>	<p>1,1,1,2,3-pentafluoropropane (HFC-245eb);  1,1,1,3,3-pentafluoropropane (HFC-245fa);  1,1,1,2,3,3-hexafluoropropane (HFC-236ea);  1,1,1,3,3-pentafluorobutane (HFC-365mfc);  chlorofluoromethane (HCFC-31);  1-chloro-1-fluoroethane (HCFC-151a);  1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);  1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub> or HFE-7100);  2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>);  1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub> or HFE 7200);  2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>);  methyl acetate;  1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (<u>n</u>-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub> or HFE-7000);  3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500);  1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);  methyl formate (HCOOCH<sub>3</sub>);  1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);  propylene carbonate;  dimethyl carbonate;  (1E)-1,3,3,3-tetrafluoroprop-1-ene (HFO-1234ze);  HCF<sub>2</sub>OCF<sub>2</sub>H (HFE-134);  HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>H (HFE-236cal2);  HCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (HFE-338pcc13);  HCF<sub>2</sub>OCF<sub>2</sub>OCF<sub>2</sub>CF<sub>2</sub>OCF<sub>2</sub>H (H-Galden 1040x or H-Galden ZT 130 [or 150 or 180]);  (1E)-1-chloro-3,3,3-trifluoroprop-1-ene;  2,3,3,3-tetrafluoropropene;  2-amino-2-methyl-1-propanol;  t-butyl acetate;  cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mz-Z); and</p>	

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<p>these classes:</p> <ol style="list-style-type: none"> <li>(1) <del>ey</del>cyclic, branched, or linear, completely fluorinated alkanes;</li> <li>(2) <del>ey</del>cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;</li> <li>(3) <del>ey</del>cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and</li> <li>(4) <del>s</del>ulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.</li> </ol> <p>(B) For purposes of determining compliance with emission limits, <del>VOC</del> will be measured by the test methods in the approved <del>S</del>tate <del>I</del>mplementation <del>P</del>lan <del>(SIP)</del> or 40 C.F.R. Part 60, Appendix A, as of July 1, 1997, as applicable. <del>Where such</del> a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as <del>VOC</del> if the amount of <del>such</del> compounds is accurately quantified, and <del>such</del> exclusion <del>is approved by the Department</del>.</p> <p>(C) As a precondition to excluding these compounds as <del>VOC</del> or at any time thereafter, the Department may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Department, the amount of negligibly-reactive compounds in the source's emissions.</p> <p><del>(D) The following compound(s) are VOC for</del></p>	<p>perfluorocarbon compounds <u>that</u> fall into these classes:</p> <ol style="list-style-type: none"> <li>(1) <u>C</u>yclic, branched, or linear completely fluorinated alkanes;</li> <li>(2) <u>C</u>yclic, branched, or linear completely fluorinated ethers with no unsaturations;</li> <li>(3) <u>C</u>yclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and</li> <li>(4) <u>S</u>ulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.</li> </ol> <p>(B) For purposes of determining compliance with emissions limitations, <u>volatile organic compounds</u> will be measured by the test methods in the approved <u>s</u>tate <u>i</u>mplementation <u>p</u>lan or 40 C.F.R. Part 60, Appendix A, as of July 1, 1997, as applicable. <u>If</u> a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as <u>volatile organic compounds</u> if the amount of <u>these</u> compounds is accurately quantified, and <u>the Department approves the exclusion</u>.</p> <p>(C) As a precondition to excluding these compounds as <u>volatile organic compounds</u> or at any time thereafter, the Department may require an owner or operator to provide monitoring or testing</p>	

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<p><del>purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.</del></p>	<p>methods and results demonstrating, to the satisfaction of the Department, the amount of negligibly-reactive compounds in the source's emissions.</p>	

**Regulation No. 19, Chapter 3**

Previous Citation	New Citation	Comments
<p><b>Reg. 19.301 Purpose</b></p> <p>The purpose of this chapter is to state the responsibilities of the Department and regulated sources in meeting and maintaining the <b>NAAQS</b>. If any area of the state is determined to be in violation of the <b>NAAQS</b>, all applicable requirements contained in the Clean Air Act, <del>as amended</del>, and all regulations promulgated <del>thereto shall be met by the Department</del>.</p>	<p><b>Reg. 35.601 Purpose</b></p> <p>The purpose of this Chapter is to state the responsibilities of the Department and regulated sources in meeting and maintaining the <u>national ambient air quality standards</u>. If any area of the state is determined to be in violation of the <u>national ambient air quality standards</u>, <u>the Department shall meet</u> all applicable requirements contained in the Clean Air Act and all regulations promulgated <u>thereunder</u>.</p>	
<p><b>Reg. 19.302 Department Responsibilities</b></p> <p>The Department shall be responsible for taking the following precautions to prevent the <b>NAAQS</b> from being exceeded:</p> <p>(A) Ambient air monitoring in any area that can reasonably be expected to be in excess of the <b>NAAQS</b>.</p> <p>(B) Computer modeling of regulated air pollutant emissions for any area that can reasonably be expected to be in excess of the <b>NAAQS</b>, and review of the ambient air impacts of any new or modified source of federally regulated air emission that is the subject of the requirements of <del>this Plan</del>. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the <b>NAAQS</b>.</p>	<p><b>Reg. 35.602 Department Responsibilities to Prevent National Ambient Air Quality Standards Exceedances</b></p> <p>The Department shall be responsible for taking the following precautions to prevent the <u>national ambient air quality standards</u> from being exceeded:</p> <p>(A) Ambient air monitoring in any area that can reasonably be expected to be in excess of the <u>national ambient air quality standards</u>; and</p> <p>(B) Computer modeling of <u>federally</u>-regulated air pollutant emissions for any area that can reasonably be expected to be in excess of the <u>national ambient air quality standards</u>, and review of the ambient air impacts of any new or modified source of <u>federally</u>-regulated air pollutants that is the subject of the requirements of <u>Regulation 35</u>. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the <u>national ambient air quality standards</u>.</p>	

<p><b>Reg. 19.303 Regulated Sources Responsibilities</b></p> <p>Any source subject to <del>the provisions of this Plan</del> shall be responsible for taking the following precautions to prevent the <b>NAAQS</b> from being exceeded:</p> <p>(A) <del>When</del> required by law or this <del>regulation</del>, obtaining a permit from the Department prior to construction of a new source of federally regulated air pollutant emissions or prior to the modification of an existing source of air <del>emissions</del>.</p> <p>(B) Operating equipment in <del>such</del> a manner as to meet any applicable permit requirement or any applicable regulations.</p> <p>(C) Repairing malfunctioning equipment and pollution control equipment as quickly as possible. If the malfunctioning equipment is causing, or contributing to, a violation of the <b>NAAQS</b>, as determined by computer modeling, the source is responsible for ceasing operations of the affected equipment until <del>such time that</del> it is repaired.</p>	<p><b>Reg. 35.603 Regulated Sources Responsibilities to Prevent National Ambient Air Quality Standards Exceedances</b></p> <p>Any <u>stationary</u> source of <u>federally-regulated air pollutants</u> subject to <u>Regulation 35</u> shall be responsible for taking the following precautions to prevent the <u>national ambient air quality standards</u> from being exceeded:</p> <p>(A) <u>If</u> required by law or this <u>Regulation</u>, obtaining a permit from the Department prior to construction of a new source of federally-regulated air pollutant emissions or prior to the modification of an existing source of <u>federally-regulated air pollutants</u>;</p> <p>(B) Operating equipment in a manner as to meet any applicable permit requirement or any applicable regulations; <u>and</u></p> <p>(C) Repairing malfunctioning equipment and pollution control equipment as quickly as possible. If the malfunctioning equipment is causing, or contributing to, a violation of the <u>national ambient air quality standards</u>, as determined by computer modeling, the source is responsible for ceasing operations of the affected equipment until it is repaired.</p>	
<p><b>Reg. 19.304 Delegated Federal Programs</b></p> <p>Sources subject to this <del>regulation</del> shall also comply with all <b>Federal</b> programs that the Department is responsible for administering including certain delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60), provisions designed for the Prevention of Significant Deterioration (40 C.F.R. § 52.21), and certain delegated subparts of the National Emissions Standards for</p>	<p><b>Reg. 35.604 Delegated Federal Programs</b></p> <p>Sources subject to this <u>Regulation</u> shall also comply with all <u>federal</u> programs that the Department is responsible for administering including delegated subparts of the New Source Performance Standards (40 C.F.R. Part 60), provisions designed for the Prevention of Significant Deterioration (40 C.F.R. 52.21), and certain delegated subparts of the National Emissions Standards for</p>	<p>The section that was deleted was not true for all of the standards indicated. In addition, we have a more recent delegation letter than 2006.</p>

<p>Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63), <del>which were promulgated as of January 27, 2006. These delegated subparts only apply to major sources. (There are subparts that apply to minor sources, but the Department has not requested delegation of them as of April 28, 2006.)</del></p>	<p>Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63).</p>	
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**Regulation No. 19, Chapter 4**

Previous Citation	New Citation	Comments
<p><b>Reg. 19.401 General Applicability</b></p> <p><del>No</del> person shall cause or <del>permit</del> the operation, construction, or modification of a stationary source, <del>whose</del> actual emissions <del>are</del>:</p> <p>Seventy-five (75) tons per year or more of carbon monoxide;</p> <p>Forty (40) tons per year or more of nitrogen oxides;</p> <p>Forty (40) tons per year or more of sulfur dioxide;</p> <p>Forty (40) tons per year or more of volatile organic compounds;</p> <p>Ten (10) tons per year or more of direct PM<sub>2.5</sub>;</p> <p>Fifteen (15) tons per year or more of PM<sub>10</sub>;</p> <p>One-half (0.5) ton per year or more of lead;</p> <p>Two (2) tons per year or more of any single hazardous air pollutant; or</p> <p>Five (5) tons per year or more of any combination of hazardous air pollutants</p> <p><del>without first obtaining a permit from the Department pursuant to the provisions of this chapter.</del></p>	<p><b>Reg. 35.1001 Applicability</b></p> <p><u>A</u> person shall <u>not</u> cause or <u>allow</u> the operation, construction, or modification of a stationary source, <u>without first obtaining a permit from the Department if the source has</u> actual emissions <u>of</u>:</p> <p><u>(A)</u> Seventy-five (75) tons per year or more of carbon monoxide;</p> <p><u>(B)</u> Forty (40) tons per year or more of nitrogen oxides;</p> <p><u>(C)</u> Forty (40) tons per year or more of sulfur dioxide;</p> <p><u>(D)</u> Forty (40) tons per year or more of volatile organic compounds;</p> <p><u>(E)</u> Ten (10) tons per year or more of direct PM<sub>2.5</sub>;</p> <p><u>(F)</u> Fifteen (15) tons per year or more of PM<sub>10</sub>;</p> <p><u>(G)</u> One-half (0.5) ton per year or more of lead;</p> <p><u>(H)</u> Two (2) tons per year or more of any single hazardous air pollutant; or</p> <p><u>(I)</u> Five (5) tons per year or more of any combination of hazardous air pollutants.</p>	<p>The text has been restructured for clarity.</p>

Previous Citation	New Citation	Comments
<p><b>Reg. 19.402 Approval Criteria</b></p> <p><del>No permit shall be granted or modified</del> under this chapter unless the owner/operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate without resulting in a violation of applicable portions of this regulation <del>or</del> without interfering with the attainment or maintenance of a national ambient air quality standard.</p>	<p><b>Reg. 35.1003 Permit Approval Criteria</b></p> <p>(A) <u>The Department shall not grant or modify a permit</u> under this Chapter unless the owner <u>or</u> operator demonstrates to the reasonable satisfaction of the Department that the stationary source will be constructed or modified to operate:</p> <p>(1) <u>Without</u> resulting in a violation of applicable portions of this Regulation; and</p> <p>(2) <u>Without</u> interfering with the attainment or maintenance of a national ambient air quality standard.</p> <p>(B) <u>The Department shall not grant or modify a permit for commercial medical waste incinerators unless the owner or operator demonstrates to the reasonable satisfaction of the Department that the stationary sources will be constructed or modified to operate in accordance with Ark. Code Ann. §§ 8-6-1301 et seq.</u></p>	<p>Permit approval criteria list broken into paragraphs. Criteria for commercial medical waste incinerators added for consistency with Arkansas statute.</p>
<p><b>Reg. 19.403 Owner/Operator's Responsibilities</b></p> <p>Issuance of a permit by the Department does not affect the responsibility of the owner/operator to comply with applicable portions of this regulation.</p>	<p><b>Reg. 35.1004 Owner's or Operator's Responsibilities</b></p> <p>Issuance of a permit by the Department does not affect the responsibility of the owner <u>or</u> operator to comply with applicable portions of this Regulation.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.404 Required Information</b></p> <p>(A) General</p> <p>Application for a permit shall be made on <del>such</del> forms and contain <del>such</del> information as the Department may reasonably require, including but not limited to:</p> <ol style="list-style-type: none"> <li>(1) <del>i</del>nformation on the nature and amounts of federally regulated air pollutants to be emitted by the stationary source; and</li> <li>(2) <del>such</del>-information on the location, design, and operation of stationary source as the Department may reasonably require.</li> </ol> <p>(B) Duty to Supplement Submittal</p> <p>If, while processing an application that has been determined to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, the Department may request <del>such</del> information in writing and set a reasonable deadline for a response.</p> <p>(C) Duty to Correct Submittal</p> <p>Any owner/<del>operator</del> who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of <del>such</del> failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any relevant requirements that become applicable to the stationary source before final action is taken on its application.</p>	<p><b>Reg. 35.1005 Required Information</b></p> <p>(A) General</p> <p>Application of a permit shall be made on <u>Department</u> forms and contain information as the Department may reasonably require, including but not limited to:</p> <ol style="list-style-type: none"> <li>(1) <u>I</u>nformation on the nature and amounts of federally-regulated air pollutants to be emitted by the stationary source; and</li> <li>(2) <u>I</u>nformation on the location, design, and operation of the stationary source as the Department may reasonably require.</li> </ol> <p>(B) Duty to Supplement Submittal</p> <p>If, while processing an application that has been determined to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, the Department may request <u>the</u> information in writing and set a reasonable deadline for a response.</p> <p>(C) Duty to Correct Submittal</p> <p>Any owner <u>or</u> operator who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of <u>the</u> failure or incorrect submittal, promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any relevant requirements that become applicable to the stationary source before final action is taken on its application.</p>	

Previous Citation	New Citation	Comments
<p data-bbox="92 138 569 170"><b>Reg. 19.405 Action on Application</b></p> <p data-bbox="92 203 422 235">(A) Technical Review</p> <p data-bbox="92 272 831 375">The Department will review the application submitted under this chapter in order to ensure to their reasonable satisfaction that:</p> <ol data-bbox="184 418 831 1349" style="list-style-type: none"> <li data-bbox="184 418 831 565">(1) <del>the</del> stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a national ambient air quality standard;</li> <li data-bbox="184 597 831 776">(2) <del>the</del> stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the EPA pursuant to §§ 111, 112, and 114 <del>of the Clean Air Act as amended</del>;</li> <li data-bbox="184 808 831 954">(3) <del>the</del> stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this <del>regulation</del>;</li> <li data-bbox="184 987 831 1057">(4) <del>the</del> emission rate calculations are complete and accurate; and</li> <li data-bbox="184 1089 831 1349">(5) <del>if the facility</del> wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process <del>which</del> will be used to ensure that the calculations are translated into enforceable limits on operational parameters rather than emissions.</li> </ol> <p data-bbox="92 1382 405 1414">(B) Proposed Action</p> <ol data-bbox="184 1446 831 1521" style="list-style-type: none"> <li data-bbox="184 1446 831 1521">(1) If the Department initially determines the requirements of <del>Reg. 19.405(A)</del> are</li> </ol>	<p data-bbox="854 138 1377 170"><b>Reg. 35.1006 Action on Application</b></p> <p data-bbox="854 203 1184 235">(A) Technical Review</p> <p data-bbox="854 272 1593 375">The Department will review the application submitted under this Chapter to ensure to its reasonable satisfaction that:</p> <ol data-bbox="947 418 1593 1349" style="list-style-type: none"> <li data-bbox="947 418 1593 565">(1) <u>The</u> stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a national ambient air quality standard;</li> <li data-bbox="947 597 1593 776">(2) <u>The</u> stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the EPA pursuant to the <u>Clean Air Act</u> §§ 111, 112, and 114;</li> <li data-bbox="947 808 1593 954">(3) <u>The</u> stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this <u>Regulation</u>;</li> <li data-bbox="947 987 1593 1057">(4) <u>The</u> emission rate calculations are complete and accurate; and</li> <li data-bbox="947 1089 1593 1349">(5) <u>If the applicant</u> wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process <u>that</u> will be used to ensure calculations are translated into enforceable limits on operational parameters rather than emissions.</li> </ol> <p data-bbox="854 1382 1167 1414">(B) Proposed Action</p> <ol data-bbox="947 1446 1593 1521" style="list-style-type: none"> <li data-bbox="947 1446 1593 1521">(1) If the Department initially determines the requirements of <u>Reg. 35.1006(A)</u> are</li> </ol>	

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<p>met, <del>they</del> shall prepare a draft permit which:</p> <p>(a) <del>contains such</del> conditions as are necessary to comply with this Regulation;</p> <p>(b) <del>addresses</del> all federally regulated air pollutant emissions and all federally regulated air pollutant emitting equipment at the stationary source except pollutants or equipment specifically exempt or as specifically provided for in <del>paragraph (c) below</del>; and</p> <p>(c) <del>establishes Best Available Control Technology (BACT)</del>-permitted emission rates, emission limitations or other enforceable conditions for GHG emissions pursuant to <del>Chapter 9</del> of this Regulation, if applicable. Draft permits for facilities not subject to a BACT determination in regard to GHG emissions pursuant to the provisions at <del>Chapter 9</del> of this Regulation shall not contain permitted emission rates, emission limitations or other enforceable conditions related to GHG emissions. However, the applicant may request that the Department include permitted emission rates, emission limitations or other enforceable conditions related to GHG emissions in the draft permit <del>in order</del> to set enforceable</p>	<p>met, <u>it</u> shall prepare a draft permit that:</p> <p>(a) <u>C</u>ontains conditions as are necessary to comply with this Regulation;</p> <p>(b) <u>A</u>ddresses all federally-regulated air pollutant emissions and all federally-regulated air pollutant-emitting equipment at the stationary source except pollutants or equipment specifically exempt or as specifically provided for in <u>Reg. 35.1006(B)(1)(c)</u>; and</p> <p>(c) <u>E</u>stablishes BACT-permitted emission rates, emissions limitations or other enforceable conditions for GHG emissions pursuant to <u>Chapter 11</u> of this Regulation, if applicable. Draft permits for facilities not subject to a BACT determination in regard to GHG emissions pursuant to the provisions at <u>Chapter 11</u> of this Regulation shall not contain permitted emission rates, emissions limitations or other enforceable conditions related to GHG emissions. However, the applicant may request that the Department include permitted emission rates, emissions limitations or other enforceable conditions related to GHG emissions in the draft permit to set enforceable limits for the purpose of establishing synthetic minor</p>	

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<p>limits for the purpose of establishing synthetic minor status. In the event any provision of Regulation 19 is found to be in conflict with this Section 19.405(B)(1), this Section shall take precedence.</p> <p>(2) If the Department initially determines the requirements of this chapter are not met, <del>they</del> shall prepare a notice of intent to deny. This notice will state the reasons for the Department's denial of the <u>stationary source</u>'s submittal.</p> <p>(3) Except as provided in <del>Reg. 19.407</del>, the public shall have an opportunity to comment on the Department's <del>proposed</del> permit decision in accordance with <del>Reg. 19.406</del>.</p> <p>(4) Within 90 days of receipt by the Department of an initial permit application, or an application for a major modification <del>which</del> contains <del>such</del> information as required by the Department (unless <del>said</del> period is extended by mutual agreement between the Department and the applicant), the Department shall notify the applicant in writing of its draft permitting decision. If the Department fails to take action of the application within the prescribed time frames, the aggrieved applicant may petition the Commission for relief from Department inaction. The Commission shall either grant or deny the petition</p>	<p>status. In the event any provision of Regulation 35 is found to be in conflict with this Section <u>Reg. 35.1006(B)(1)</u>, this Section shall take precedence.</p> <p>(2) If the Department initially determines the requirements of this Chapter are not met, <u>it</u> shall prepare a notice of intent to deny. This notice will state the reasons for the Department's denial of the <u>applicant's</u> submittal.</p> <p>(3) Except as provided in <u>Reg. 35.1008</u>, the public shall have an opportunity to comment on the Department's <u>draft</u> permit decision in accordance with <u>Reg. 35.1007</u>.</p> <p>(4) Within <u>ninety (90)</u> days of receipt by the Department of an initial permit application, or an application for a major modification <u>that</u> contains the information as required by the Department (unless <u>the</u> period is extended by mutual agreement between the Department and the applicant), the Department shall notify the applicant in writing of its draft permitting decision. If the Department fails to take action <u>on</u> the application within the prescribed time frames, the aggrieved applicant may petition the <u>Arkansas Pollution Control and Ecology Commission</u> for relief from Department inaction. The <u>Arkansas Pollution Control and Ecology</u> Commission shall either grant or deny the petition within <u>forty-five (45)</u> days of its submittal.</p>	

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<p>within 45 days of its submittal.</p> <p>(C) Final Action</p> <p>The Department shall take final action on a permit application after the close of the public comment period. The Department shall notify in writing the owner/operator and any person that submitted a written comment, of the Department's final action and the Department's reasons for its final action.</p>	<p>(C) Final Action</p> <p>The Department shall take final action on a permit application after the close of the public comment period. The Department shall notify in writing the owner <u>or</u> operator and any person that submitted a written comment, of the Department's final action and the Department's reasons for its final action.</p>	
<p><b>Reg. 19.406 Public Participation</b></p> <p>(A) General</p> <p><del>No permit shall be issued, denied, or modified</del> unless the public has first had an opportunity to comment on the information submitted by the owner/operator and the Department's analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality, including the Department's proposed approval or disapproval of the permit.</p> <p>(B) Public Availability of Information</p> <p>For purposes of this section, opportunity to comment shall include, at a minimum:</p> <p>(1) Availability for the public inspection in at least one location in the area where the source is located, or proposes to locate, and in the Department's central offices of the Department's draft decision, information submitted by the owner/operator, and any information developed by the Department in support of its draft permit decision;</p> <p>(2) A <del>30</del>-day period for submittal of public</p>	<p><b>Reg. 35.1007 Public Participation</b></p> <p>(A) General</p> <p><u>The Department shall not issue, deny, or modify a permit</u> unless the public has first had an opportunity to comment on the information submitted by the owner <u>or</u> operator and the Department's analysis, as demonstrated by the permit record, of the effect of construction or modification on ambient air quality, including the Department's proposed approval or disapproval of the permit.</p> <p>(B) Public Availability of Information</p> <p>For purposes of this section, opportunity to comment shall include, at a minimum:</p> <p>(1) Availability for the public inspection in at least one location in the area where the source is located, or proposes to locate, and in the Department's central offices of the Department's draft decision, information submitted by the owner <u>or</u> operator, and any information developed</p>	

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<p>comment (beginning on the date of the latest newspaper notice, ending on the date 30 days later);</p> <p>(3) A publication in a newspaper of general circulation in the area where the source is located or proposes to locate, and in a State publication designed to give general public notice. <del>Such</del> notice shall, <del>as</del> a minimum, describe the locations <del>at which</del> the information submitted by the owner/operator and the Department's analysis of this information, may be inspected and the procedure for submitting public comment;</p> <p>(4) A copy of the notice, required pursuant to this subsection, shall be sent to the owner/operator and to the:</p> <p>(a) Regional Administrator of the EPA;</p> <p>(b) <del>m</del>ayor of the community where the stationary source is proposed to be constructed or modified;</p> <p>(c) <del>e</del>ounty judge of the county where the equipment is proposed to be constructed or modified; and</p> <p>(d) <del>a</del>ppropriate air pollution control agencies of adjoining states if the construction or modification of the source will impact air quality in adjoining states.</p> <p>(5) Public comments addressing the technical</p>	<p>by the Department in support of its draft permit decision;</p> <p>(2) A <del>thirty</del>-day period for submittal of public comment (beginning on the date of the latest newspaper notice, ending on the date <del>thirty</del> [30] days later);</p> <p>(3) A publication in a newspaper of general circulation in the area where the source is located or proposes to locate, and in a State publication designed to give general public notice. <del>The</del> notice shall, <del>at</del> a minimum, describe the locations <del>where</del> the information submitted by the owner <del>or</del> operator and the Department's analysis of this information, may be inspected and the procedure for submitting public comment;</p> <p>(4) A copy of the notice, required pursuant to this subsection, shall be sent to the owner <del>or</del> operator and to the:</p> <p>(a) Regional Administrator of the EPA;</p> <p>(b) <del>M</del>ayor of the community where the stationary source is proposed to be constructed or modified;</p> <p>(c) <del>C</del>ounty judge of the county where the equipment is proposed to be constructed or modified; and</p> <p>(d) <del>A</del>ppropriate air pollution control agencies of adjoining states if the construction or modification of the source will impact air quality in</p>	

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<p>merits of the permit application and the Department's analysis of the effect of the proposed emissions on air quality submitted in accordance with procedures in the public notice <del>shall be considered by the Department</del> prior to taking final action on the permit application.</p>	<p>adjoining states.</p> <p>(5) <u>The Department shall consider</u> public comments addressing the technical merits of the permit application and the Department's analysis of the effect of the proposed emissions on air quality submitted in accordance with procedures in the public notice prior to taking final action on the permit application.</p>	
<p><b>Reg. 19.407 Permit Amendments</b></p> <p>(A) Administrative Permit Amendments</p> <p>(1) An administrative permit amendment is a permit revision that:</p> <p>(a) <del>e</del>orrects a typographical error;</p> <p>(b) <del>i</del>dentifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change in the source;</p> <p>(c) <del>r</del>equires more frequent monitoring or reporting by the permittee;</p> <p>(d) <del>i</del>ncorporates a change in the permit involving the retiring of equipment or emission units, or the decrease of permitted emissions from equipment or emission units; or</p> <p>(e) <del>i</del>ncorporates a change to the</p>	<p><b>Reg. 35.1008 Permit Amendments</b></p> <p>(A) Administrative Permit Amendments</p> <p>(1) An administrative permit amendment is a permit revision that:</p> <p>(a) <u>C</u>orrects a typographical error;</p> <p>(b) <u>I</u>dentifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;</p> <p>(c) <u>R</u>equires more frequent monitoring or reporting by the permittee;</p> <p>(d) <u>I</u>ncorporates a change in the permit involving the retiring of equipment or emission units, or the decrease of permitted emissions from equipment or emission units; or</p> <p>(e) <u>I</u>ncorporates a change to the</p>	

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<p style="text-align: center;">facility's insignificant activities list.</p> <p>(2) The Department shall revise the permit <del>as expeditiously</del> as practicable and may incorporate <del>such</del>—revisions without providing notice to the public.</p> <p>(3) The applicant may implement the changes addressed in the request for an administrative amendment immediately upon approval.</p>	<p style="text-align: center;">facility's insignificant activities list.</p> <p>(2) The Department shall revise the permit as practicable and may incorporate the revisions without providing notice to the public.</p> <p>(3) The applicant may implement the changes addressed in the request for an administrative amendment immediately upon approval.</p>	
<p>(B) Change in Ownership</p> <p>(1) Permits issued under this <del>regulation</del> shall remain freely transferable, provided the applicant for the transfer:</p> <p>(a) <del>notifies</del> the Director at least thirty (30) days in advance of the proposed transfer date on <del>such</del> forms as the Director may reasonably require, and</p> <p>(b) <del>submits a disclosure statement in accordance with Commission Regulation 8, Administrative Procedures, or other such</del> documents as required by the Department.</p>	<p>(B) Change in Ownership</p> <p>(1) Permits issued under this <u>Chapter</u> shall remain freely transferable, provided the applicant for the transfer:</p> <p>(a) Notifies the Director at least thirty (30) days in advance of the proposed transfer date on the forms the Director may reasonably require; and</p> <p>(b) Submits a <u>written</u> disclosure statement and other documents as required by the Department.</p> <p><u>(i) The disclosure statement shall include, but is not limited to the following information:</u></p> <p><u>(aa) The full name, business address, and social security</u></p>	<p>A 2009 rulemaking replaced disclosure statement requirements with reference to Regulation No. 8; however, EPA is unable to approve the revision into the SIP because Regulation No. 8 is not part of the SIP. It is preferable to add the language back into the air regulation rather than submit parts of Regulation No. 8 to EPA for inclusion in the SIP or get a disapproval.</p>

Previous Citation	New Citation	Comments
<p>(2) The Director may deny the issuance or transfer of any permit, license, certification, or operational authority if he or she finds, based upon the disclosure statement and other investigation which he or she deems appropriate, <del>that</del>:</p> <p>(a) The applicant has a history of non-compliance with the environmental laws or regulations of this <del>state</del> or any other jurisdiction;</p> <p>(b) An applicant <del>which</del> owns or operates other facilities in the state is not in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, the environmental laws or regulations of this <del>state</del>; or</p> <p>(c) A person with a history of non-compliance with environmental laws or regulations of this <del>state</del> or any other jurisdiction is affiliated with the applicant to the extent of being capable of significantly influencing the practices or operations of the applicant <del>which</del></p>	<p><u>number or tax i.d. number of the applicant and all affiliated persons;</u></p> <p><u>(bb) The full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations within the state;</u></p> <p><u>(cc) A description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to environmental regulation;</u></p> <p><u>(dd) A listing and</u></p>	

Previous Citation	New Citation	Comments
<p>could have an impact upon the environment.</p> <p>(3) Public notice requirements shall not apply to changes in ownership or changes in name.</p>	<p><u>explanation of civil or criminal legal actions by government agencies involving environmental protection laws or regulations against the applicant and affiliated persons in the ten (10) years immediately preceding the filing of the application, including administrative enforcement actions resulting in the imposition of sanctions, permit or license revocations or denials issued by any state or federal authority, actions that resulted in a finding or a settlement of a violation and actions that are pending;</u></p> <p><u>(ee) A listing of any federal environmental agency and any other environmental agency outside this</u></p>	

Previous Citation	New Citation	Comments
	<p><u>state that has or has had regulatory responsibility over the applicant; and</u></p> <p><u>(ff) Any other information the Director may require that relates to the competency, reliability or responsibility of the applicant and affiliated persons.</u></p> <p><u>(ii) Deliberate falsification or omission of relevant information from disclosure statements shall be ground for civil or criminal enforcement action or administrative denial of a permit, license, certification, or operational authorization.</u></p> <p><u>(iii) The following governmental entities are not required to file a disclosure statement:</u></p> <p><u>(aa) Subdivisions or agencies of the federal government;</u></p> <p><u>(bb) Agencies of the</u></p>	

Previous Citation	New Citation	Comments
	<p><u>state government;</u></p> <p><u>(cc) Counties;</u></p> <p><u>(dd) Municipalities; and</u></p> <p><u>(ee) Duly authorized regional solid waste authorities.</u></p> <p><u>(ff) This exemption shall not extend to improvement districts or any other subdivision of government that is not specifically instituted by an act of the Arkansas General Assembly.</u></p> <p><u>(iv) Nothing in this section, including the exemptions in Reg. 35.1008(iii), shall be construed as a limitation upon the authority of the Director to deny a permit based upon a history of noncompliance by any applicant or for other just cause.</u></p> <p><u>(v) If the applicant is a publically held company required to file periodic reports under the Security and Exchange Act of 1934, or a wholly owned</u></p>	

Previous Citation	New Citation	Comments
	<p data-bbox="1236 139 1596 938"> <u>subsidiary of a publically held company, the applicant shall not be required to submit a disclosure statement. Instead, the applicant shall submit the most recent annual and quarterly reports required by the Securities and Exchange that provide information regarding legal proceedings in which the applicant has been involved. The applicant shall submit any other information the Director may require that relates to competency, reliability, or responsibility of the applicant and affiliated persons.</u> </p> <p data-bbox="953 976 1596 1190">(2) The Director may deny the issuance or transfer of any permit, license, certification, or operational authority if he or she finds, based upon the disclosure statement and other investigation that he or she deems appropriate, <u>if</u>:</p> <p data-bbox="1047 1227 1596 1406">(a) The applicant has a history of non-compliance with the environmental laws or regulations of this <u>State</u> or any other jurisdiction;</p> <p data-bbox="1047 1443 1596 1507">(b) An applicant <u>that</u> owns or operates other facilities in the state is not in</p>	

Previous Citation	New Citation	Comments
	<p>substantial compliance with, or on a legally enforceable schedule that will result in compliance with, the environmental laws or regulations of this <u>S</u>tate; or</p> <p>(c) A person with a history of noncompliance with environmental laws or regulations of this <u>S</u>tate or any other jurisdiction is affiliated with the applicant to the extent of being capable of significantly influencing the practices or operations of the applicant <u>that</u> could have an impact upon the environment.</p> <p>(3) Public notice requirements shall not apply to changes in ownership or changes in name.</p>	
<p>(C) <i>De Minimis</i> Changes</p> <p>(1) A proposed change to a facility will be considered <i>De Minimis</i> if:</p> <p>(a) <del>m</del>inimal judgment is required to establish the permit requirements for the change; and</p> <p>(b) <del>t</del>he change will result in a trivial environmental impact.</p> <p>(2) The environmental impact of a proposed change generally will be considered trivial if the emission increase, based on the differences between the sum of the</p>	<p>(C) <i>De Minimis</i> Changes</p> <p>(1) A proposed change to a facility will be considered <i>De Minimis</i> if:</p> <p>(a) <u>M</u>inimal judgment is required to establish the permit requirements for the change; and</p> <p>(b) <u>T</u>he change will result in a trivial environmental impact.</p> <p>(2) The environmental impact of a proposed change generally will be considered trivial if the emissions increase, based on the differences between the sum of the</p>	<p>GHG permitting provisions removed. These provisions imply that there is permitting for GHGs outside the scope of PSD. This is inconsistent with the vacatur of step 2 of the GHG Tailoring Rule. EPA has indicated that Reg. 19.407(C) is not approvable; therefore, it is not being retained.</p> <p>As of date for Clean Air Act removed. The Clean Air Act was last amended in 1990.</p>

Previous Citation	New Citation	Comments															
<p>proposed permitted rates for all emissions units and the sum of previously permitted emission rates for all units will either:</p> <p>(a) <del>be</del> less than the following amounts:</p> <ul style="list-style-type: none"> <li><del>i-</del> Seventy-five (75) tons per year of carbon monoxide;</li> <li><del>ii-</del> Forty (40) tons per year of nitrogen dioxides, sulfur dioxides, or volatile organic compounds;</li> <li><del>iii-</del> Twenty-five (25) tons per year of particulate matter emissions;</li> <li><del>iv-</del> Ten (10) tons per year of direct PM<sub>2.5</sub>;</li> <li><del>v-</del> Fifteen (15) tons per year of PM<sub>10</sub> emissions; and</li> <li><del>vi-</del> One-half (0.5) a ton per year of lead;</li> </ul> <p>(b) <del>or</del>, result in an air quality impact less than:</p> <table border="1" data-bbox="142 1224 779 1523"> <thead> <tr> <th>Pollutant</th> <th><i>De Minimis</i> Concentration</th> <th>Averaging Time</th> </tr> </thead> <tbody> <tr> <td><del>carbon</del> monoxide</td> <td>500 <del>µg/m<sup>3</sup></del></td> <td><del>8</del>-hour</td> </tr> <tr> <td><del>nitrogen</del> dioxide</td> <td>10 <del>µg/m<sup>3</sup></del></td> <td>Annual</td> </tr> </tbody> </table>	Pollutant	<i>De Minimis</i> Concentration	Averaging Time	<del>carbon</del> monoxide	500 <del>µg/m<sup>3</sup></del>	<del>8</del> -hour	<del>nitrogen</del> dioxide	10 <del>µg/m<sup>3</sup></del>	Annual	<p>proposed permitted rates for all emission units and the sum of previously permitted emission rates for all units, will either:</p> <p>(a) <u>Be</u> less than the following amounts:</p> <ul style="list-style-type: none"> <li><u>(i)</u> Seventy-five (75) tons per year of carbon monoxide;</li> <li><u>(ii)</u> Forty (40) tons per year of nitrogen dioxide, sulfur dioxide, or volatile organic compounds;</li> <li><u>(iii)</u> One-half (0.5) ton per year of lead;</li> <li><u>(iv)</u> Twenty-five (25) tons per year of particulate matter;</li> <li><u>(v)</u> Ten (10) tons per year of direct PM<sub>2.5</sub>; and</li> <li><u>(vi)</u> Fifteen (15) tons per year of PM<sub>10</sub> emissions;</li> </ul> <p>(b) <u>Or</u>, result in an air quality impact less than:</p> <table border="1" data-bbox="877 1190 1572 1468"> <thead> <tr> <th>Pollutant</th> <th><i>De Minimis</i> Concentration</th> <th>Averaging Time</th> </tr> </thead> <tbody> <tr> <td><u>C</u>arbon monoxide</td> <td><u>Five hundred (500) micrograms per cubic meter</u></td> <td><u>Eight</u>-hour</td> </tr> </tbody> </table>	Pollutant	<i>De Minimis</i> Concentration	Averaging Time	<u>C</u> arbon monoxide	<u>Five hundred (500) micrograms per cubic meter</u>	<u>Eight</u> -hour	<p>Arkansas must continue to comply with the Clean Air Act and its implementing regulations, including those passed after February 15, 1999.</p> <p>Revised language to allow administrative amendments and De Minimis changes to be incorporated into the permit with the next renewal or modification instead of “as expeditiously as practicable.”</p> <p>Removed redundant provision regarding implementation of De Minimis changes.</p>
Pollutant	<i>De Minimis</i> Concentration	Averaging Time															
<del>carbon</del> monoxide	500 <del>µg/m<sup>3</sup></del>	<del>8</del> -hour															
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Previous Citation			New Citation			Comments
PM <sub>2.5</sub>	2 $\mu\text{g}/\text{m}^3$	24-hour	Nitrogen dioxide	Ten (10) micrograms per cubic meter	Annual	
PM <sub>10</sub>	8 $\mu\text{g}/\text{m}^3$	24-hour	PM <sub>2.5</sub>	Two (2) micrograms per cubic meter	Twenty-four-hour	
sulfur dioxide	18 $\mu\text{g}/\text{m}^3$	24-hour	PM <sub>10</sub>	Eight (8) micrograms per cubic meter	Twenty-four-hour	
lead	0.1 $\mu\text{g}/\text{m}^3$	3-month	Sulfur dioxide	Eighteen (18) micrograms per cubic meter	Twenty-four-hour	
<p>(3) <del>A proposed change will be considered De Minimis if the increases are less than 75,000 tpy of CO<sub>2</sub>e and other pollutant emission increases otherwise qualify as De Minimis under this section.</del></p> <p>(4) The following changes <b>will</b> not be considered <i>De Minimis</i> changes:</p> <p>(a) <del>any</del> increase in the permitted emission rate at a stationary source without a corresponding physical change or change in the method of operation at the source;</p> <p>(b) <del>any</del> change <b>which</b> would result in a violation of the Clean Air Act;</p> <p>(c) <del>any</del> change seeking to change a case-by-case determination of an emission limitation established pursuant to <del>Best Available Control Technology</del> (BACT), §112(g), §112(i)(5), §112(j), or §111(d) <del>of the Clean Air Act as amended as of February 15, 1999;</del></p> <p>(d) <del>a</del> change that would result in a violation of any provision of this <del>regulation;</del></p>			Lead	One-tenth (0.1) microgram per cubic meter	Three-month	
			<p>(3) The following changes <b>shall</b> not be considered <i>De Minimis</i> changes:</p> <p>(a) <u>Any</u> increase in the permitted emission rate at a stationary source without a corresponding physical change or change in the method of operation at the source;</p> <p>(b) <u>Any</u> change <b>that</b> would result in a violation of the Clean Air Act;</p> <p>(c) <u>Any</u> change seeking to change a case-by-case determination of an emissions limitation established pursuant to BACT under <u>Clean Air Act</u> § 112(g), § 112(i)(5), § 112(j), or § 111(d);</p>			

Previous Citation	New Citation	Comments
<p>(e) any change in a permit term, condition, or <del>limit</del> that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;</p> <p>(f) any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or</p> <p>(g) any proposed change which requires more than minimal judgment to determine eligibility.</p> <p>(5) A source may not submit multiple applications for <i>De Minimis</i> changes that are designed to conceal a larger modification that would not be considered a <i>De Minimis</i> change. The Department <del>will</del> require <del>such</del> multiple applications be processed as a permit modification with public notice and reconstruction requirements. Deliberate misrepresentation may be grounds for permit revocation.</p> <p>(6) The applicant may implement <i>De Minimis</i> changes immediately upon <del>approval</del> by the Department.</p> <p>(7) The Department shall revise the permit as <del>expeditiously</del> as practicable and may incorporate <i>De Minimis</i> changes without providing notice to the public. <del>The applicant may implement <i>De Minimis</i> changes immediately upon approval by</del></p>	<p>(d) Any change that would result in a violation of any provision of this <u>Regulation</u>;</p> <p>(e) Any change in a permit term, condition, or <u>limitation</u> that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;</p> <p>(f) Any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or</p> <p>(g) Any proposed change that requires more than minimal judgment to determine eligibility.</p> <p>(4) <u>The owner or operator of</u> a source <u>shall</u> not submit multiple applications for <i>De Minimis</i> changes that are designed to conceal a larger modification that would not be considered a <i>De Minimis</i> change. The Department <u>shall</u> require multiple applications be processed as a permit modification with public notice and reconstruction requirements. Deliberate misrepresentation may be grounds for permit revocation.</p> <p>(5) The applicant may implement <i>De Minimis</i> changes immediately upon <u>receipt of written notification</u> by the Department.</p> <p>(6) The Department shall revise the permit as practicable and may incorporate the <i>De</i></p>	

Previous Citation	New Citation	Comments
<p style="text-align: center;"><del>the Department.</del></p>	<p style="text-align: center;"><i>Minimis</i> changes without providing notice to the public.</p>	
<p><b>Reg. 19.408 Exemption from Permitting</b></p> <p>(A) Insignificant Activities</p> <p>Stationary sources and activities listed in Appendix A of this regulation <del>shall be considered to be</del> insignificant and <del>will</del> not require a permit under this chapter <del>or be included</del> in a source's permit.</p> <p>(B) Grandfathering</p> <p>Stationary sources operating prior to June 30, 1975; and <del>which</del> have not been modified since; will not be required to obtain a permit under this chapter.</p>	<p><b>Reg. 35.1015 Exemption from Permitting</b></p> <p>(A) Insignificant Activities</p> <p><u>The Department shall consider</u> stationary sources and activities listed in Appendix A of this Regulation insignificant and <u>shall</u> not require a permit under this Chapter <u>for insignificant activities. The Department shall not require inclusion of insignificant activities</u> in a source's permit <u>unless a list of insignificant activities is required pursuant to Chapter 12.</u></p> <p>(B) Grandfathering</p> <p>Stationary sources operating prior to June 30, 1975 and <u>that</u> have not been modified since will not be required to obtain a permit under this Chapter.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.409 Transition</b></p> <p>Facilities which are now subject to this regulation which were not previously subject to this regulation shall be in full compliance within 180 days of the effective date of this regulation. Facilities which are now subject to permitting under this regulation which were not previously subject to permitting under this regulation shall submit a complete application within 180 days of the effective date of this regulation. The Director may extend this compliance period on a case-by-case basis provided that the total compliance period does not exceed one year.</p>	<p>None</p>	<p>This paragraph provided a transition for when Regulation No. 19 was first adopted. This provision is no longer relevant. New source-specific requirements are typically accompanied with a compliance schedule when they are adopted into APC&amp;EC regulations.</p>
<p><b>Reg. 19.410 Permit Revocation and Cancellation</b></p> <p>(A) Revocation</p> <p>Any permit issued under this <b>regulation</b> is subject to revocation, suspension, or modification in whole or in part, for cause, including without limitation:</p> <ul style="list-style-type: none"> <li>(1) Violation of any condition of the permit;</li> <li>(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or</li> <li>(3) Change in any applicable regulation or change in any pre-existing condition affecting the nature of the emission that requires either a temporary or permanent reduction or elimination of the permitted emission.</li> </ul> <p>(B) Cancellation</p>	<p><b>Reg. 35.1009 Permit Revocation and Cancellation</b></p> <p>(A) Revocation</p> <p>Any permit issued under this <b>Chapter</b> is subject to revocation, suspension, or modification in whole or in part, for cause, including without limitation:</p> <ul style="list-style-type: none"> <li>(1) Violation of any condition of the permit;</li> <li>(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or</li> <li>(3) Change in any applicable regulation or change in any pre-existing condition affecting the nature of the emission that requires either a temporary or permanent reduction or elimination of the permitted emission.</li> </ul> <p>(B) Cancellation</p>	

Previous Citation	New Citation	Comments
<p>The Director may cancel a permit if the construction or modification is not begun within 18 months from the date of the permit issuance or if the work involved in the construction or modification is suspended for a total of 18 months or more.</p>	<p>The Director may cancel a permit if the construction or modification is not begun within <u>eighteen (18)</u> months from the date of the permit issuance or if the work involved in the construction or modification is suspended for a total of <u>eighteen (18)</u> months or more.</p>	
<p><b>Reg. 19.411 General Permits</b></p> <p>(A) General Authority</p> <p>The Department may, after notice and opportunity for public participation provided under this <del>e</del>chapter, issue a general permit covering numerous similar sources. The criteria for the review and approval of permits under this <del>e</del>chapter shall be used for general permits as well. Any general permit shall comply with all requirements applicable to other permits and shall identify criteria <del>by which</del> sources may qualify for the general permit. They shall also include enforceable emission limitations or other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this <del>r</del>egulation. To sources that qualify, the Department shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit.</p>	<p><b>Reg. 35.1010 General Permits</b></p> <p>(A) General Authority</p> <p>The Department may, after notice and opportunity for public participation provided under this <u>C</u>hapter, issue a general permit covering numerous similar sources. The criteria for the review and approval of permits under this <u>C</u>hapter shall be used for general permits as well. Any general permit shall comply with all requirements applicable to other permits and shall identify criteria <u>whereby</u> sources may qualify for the general permit. They shall also include enforceable emissions limitations or other control measures, means, or techniques, as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this <u>R</u>egulation. To sources that qualify, the Department shall grant the conditions and terms of the general permit. The source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general</p>	

Previous Citation	New Citation	Comments
<p>(B) Application</p> <p>Sources that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for permit consistent with this chapter. The Department may grant a <del>source's</del> request for authorization to operate under a general permit, but <del>such a</del> grant shall not be a final permit action for purposes of judicial review.</p> <p>(1) When any application for the issuance of a new permit or a modification of an existing permit is filed with the Department, the Department shall cause notice of the application to be published in a newspaper of general circulation in the county <del>in which</del> the proposed facility is to be located.</p> <p>(2) The notice required by <del>Reg. 19.411(B)(1)</del> shall advise that any interested person may request a public hearing on the permit application by giving the Department a written request within ten (10) days of the publication of the notice.</p> <p>(3) <del>Should</del> a hearing <del>be deemed</del> necessary <del>by the Department</del>, or in the event the Department desires <del>such</del> a hearing, the Department shall schedule a public hearing and shall, by first class mail, notify the applicant and all persons who have submitted comments of the date, time, and place thereof.</p>	<p>permit.</p> <p>(B) Application</p> <p><u>The owner or operator of a</u> source that would qualify for a general permit must apply to the Department for coverage under the terms of the general permit or must apply for permit consistent with this <u>Chapter</u>. The Department may grant a request for authorization to operate under a general permit, but <u>the</u> grant shall not be a final permit action for purposes of judicial review.</p> <p>(1) When any application for the issuance of a new permit or a modification of an existing permit is filed with the Department, the Department shall cause notice of the application to be published in a newspaper of general circulation in the county <u>where</u> the proposed facility is to be located.</p> <p>(2) The notice required by Reg. <u>35.1010(B)(1)</u> shall advise that any interested person may request a public hearing on the permit application by giving the Department a written request within ten (10) days of the publication of the notice.</p> <p>(3) <u>If the Department determines that</u> a hearing <u>is</u> necessary, or in the event the Department desires a hearing, the Department shall schedule a public hearing and shall, by first class mail, notify the applicant and all persons who have submitted comments of the date, time, and place thereof.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.412 Dispersion Modeling</b></p> <p>The following shall apply when dispersion or other air quality modeling is used to meet the requirements of this <del>chapter</del>.</p> <p>(A) General</p> <p>All applications of air quality modeling involved in this <del>chapter</del> shall be based on the applicable models, <del>data bases</del>, and other requirements specified in Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models) as of the effective date of the federal final rule published by EPA in the Federal Register on <del>November 9, 2005 (70 FR 68228)</del>.</p> <p>(B) Substitution</p> <p><del>Where</del> an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. <del>Such a</del> modification or substitution of a model may be made on a case-by-case basis or, <del>where</del> appropriate, on a generic basis for a specific pollutant or type of stationary source. Written approval of the Administrator of the EPA must be obtained for any modification or substitution.</p>	<p><b>Reg. 35.1016 Dispersion Modeling</b></p> <p>The following shall apply when dispersion or other air quality modeling is used to meet the requirements of this <u>Chapter</u>.</p> <p>(A) General</p> <p>All applications of air quality modeling involved in this <u>Chapter</u> shall be based on the applicable models, <u>databases</u>, and other requirements specified in Appendix W of 40 C.F.R. Part 51 (Guideline on Air Quality Models) as of the effective date of the federal final rule published by EPA in the Federal Register on <u>January 17, 2017 (82 FR 5182)</u>.</p> <p>(B) Substitution</p> <p><u>If</u> an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. Modification or substitution of a model may be made on a case-by-case basis or, <u>if</u> appropriate, on a generic basis for a specific pollutant or type of stationary source. Written approval of the Administrator of the EPA must be obtained for any modification or substitution.</p>	<p>Updated to most recently approved Appendix W</p>
<p><b>Reg. 19.413 Confidentiality</b></p> <p>Information which constitutes a <del>trade secret</del> shall be held confidential and segregated from the public files of the Department if requested in writing <del>by the permit applicant in accordance with this subsection</del>.</p> <p><del>(A) For purposes of this subsection, "Trade Secret" means any information, including formula, pattern, compilation, program, device, method,</del></p>	<p><b>Reg. 35.901 Confidentiality of Trade Secrets</b></p> <p>(A) Information that constitutes a <u>"Trade Secret"</u> shall be held confidential and segregated from the public files of the Department <u>if requested in writing and the information meets the following requirements:</u></p> <p>(1) <u>The Applicant</u> derives independent economic value (actual or potential) from <u>the information</u> not being generally known to, and not being readily</p>	<p>Provisions regarding trade secrets will apply throughout entire regulation. Provisions from Regulation No. 18 and 19 were merged and revised to correct inconsistencies across APC&amp;EC Regulations. Consistency in the handling of trade secrets is desired.</p>

Previous Citation	New Citation	Comments
<p><del>technique, process, or rate of production that:</del></p> <p><del>(1)</del> Derives independent economic value (actual or potential) from not being generally known to, and not being readily ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use, <del>and</del></p> <p><del>(2)</del> Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.</p> <p>(B) <del>In order to establish entitlement to confidentiality,</del> the applicant <del>must</del> submit a sworn affidavit to the Department that is subject to public scrutiny <del>which</del> describes in a manner that does not reveal trade secrets, the processes or market conditions that supports the applicant's confidentiality claim in the terms of <del>Reg. 19.413(A)(1) and (2)</del>. This affidavit <del>must also</del> recite the following:</p> <p style="padding-left: 40px;">“The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Department’s denial of public access to the documents or information claimed herein to be a trade secret.”</p> <p>If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, <del>it</del> may submit an omnibus affidavit establishing the prerequisites of <del>Reg. 19.413(A)(1) and (2)</del> and reference this document in future confidentiality claims.</p>	<p>ascertainable through, proper means by other persons who can obtain economic value from its disclosure or use;</p> <p>(2) <u>The information claimed as confidential is</u> the subject of efforts that are reasonable under the circumstances to maintain its secrecy;</p> <p>(3) <u>The applicant submits</u> a sworn affidavit to the Department that is subject to public scrutiny <u>that</u> describes in a manner that does not reveal trade secrets, the processes or market conditions that support the applicant’s confidentiality claim in the terms of <u>Reg. 35.901(A)(1) and (2); and</u></p> <p>(4) This affidavit <u>submitted to the Department</u> recites the following:</p> <p style="padding-left: 40px;">“The applicant agrees to act as an indispensable party and to exercise extraordinary diligence in any legal action arising from the Department’s denial of public access to the documents or information claimed herein to be a trade secret.”</p> <p>(B) If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, <u>the applicant</u> may submit an omnibus affidavit establishing the prerequisites of <u>Reg. 35.901(A)(3) and (4)</u>, and reference this document in future confidentiality claims.</p> <p>(C) Confidentiality claims shall be afforded interim protected status until the Department determines</p>	

Previous Citation	New Citation	Comments
<p>(C) Confidentiality claims shall be afforded interim protected status until the Department determines whether the requirements of <del>Reg. 19.413(B)</del> are satisfied. The Department shall make <del>such</del> determination prior to the issuance of any permit or publication of any draft permit. <del>In the event</del> the Department does not make <del>such</del> determination prior to permit issuance, the information shall be deemed confidential until a request is made. If a third party request to review information claimed as confidential is received before the Department provides its written determination concerning the claim, the Department shall not release such information before notifying the applicant of the request. The Department shall notify the applicant of the request and the Department's determination on the confidentiality claim at least two business days before releasing the information, at which time the applicant may choose to supplement its affidavit supporting confidentiality or seek legal recourse.</p> <p>(D) For any permit application submitted subject to a claim of trade secret, the applicant shall provide two copies of the application; one prominently marked as confidential and another that is subject to public review with confidential information excised. The Department will not accept applications that are deemed totally confidential except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.</p>	<p>whether the requirements of <u>Reg. 35.901(A)</u> are satisfied. The Department shall make <u>the</u> determination prior to the issuance of any permit or publication of any draft permit. <u>If</u> the Department does not make <u>the</u> determination prior to permit issuance, the information shall be deemed confidential until a request is made. If a third party request to review information claimed as confidential is received before the Department provides its written determination concerning the claim, the Department shall not release the information before notifying the applicant of the request. The Department shall notify the applicant of the request and the Department's determination on the confidentiality claim at least two <u>(2)</u> business days before releasing the information, at which time the applicant may choose to supplement its affidavit supporting confidentiality or seek legal recourse.</p> <p>(D) For any permit application submitted subject to a claim of trade secret, the applicant shall provide two <u>(2)</u> copies of the application: one prominently marked as confidential and another that is subject to public review with confidential information excised. The Department will not accept applications that are deemed totally confidential except under extraordinary circumstances guaranteeing future disclosure at a meaningful time for public review.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.414 Operational Flexibility-Applicant's Duty to Apply for Alternative Scenarios</b></p> <p><del>Any operating scenario allowed for in a permit may be implemented by the facility without the need for any permit revision or any notification to the Department. It is incumbent upon</del> the permit applicant <del>to</del> apply for any reasonably anticipated alternative facility operating scenarios at the time of permit application. The Department shall include approved alternative operating scenarios in the permit.</p>	<p><b>Reg. 35.1011 Operational Flexibility</b></p> <p>The permit applicant <u>shall</u> apply for any reasonably anticipated alternative facility operating scenarios at the time of permit application. The Department shall include approved alternative operating scenarios in the permit. <u>The permittee may implement any operating scenario allowed in a permit without the need for any permit revision or any notification to the Department.</u></p>	<p>This provision was reorganized into a more logical order.</p>
<p><b>Reg. 19.415 Changes Resulting in No Emissions Increases</b></p> <p>A permitted source may make changes within the facility that contravene permit terms without a permit revision if the changes:</p> <p>(A) Are not modifications under any provision of Title I of the Act;</p> <p>(B) Do not exceed emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions);</p> <p>(C) Do not violate applicable requirements; and</p> <p>(D) Do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;</p> <p><del>provided that the facility provides</del> the Department <del>with written notification as required below in advance of the proposed changes, which shall be a minimum of</del> 7 days,</p>	<p><b>Reg. 35.1012 Changes Resulting in No Emissions Increases</b></p> <p><u>(A)</u> A permitted source may make changes within the facility that contravene permit terms without a permit revision if the changes:</p> <p>(1) Are not modifications under any provision of Title I of the <u>Clean Air</u> Act;</p> <p>(2) Do not exceed emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions);</p> <p>(3) Do not violate applicable requirements; and</p> <p>(4) Do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.</p> <p>(B) <u>The permittee shall provide written notice to the Department at least seven (7) days prior to</u></p>	

Previous Citation	New Citation	Comments
<p>or <del>such</del> shorter time frame that the Department allows for emergencies. The <del>source</del> and the Department shall attach each <del>such</del> notice to their copy of the relevant permit. For each <del>such</del> change, the written notification required above shall include a brief description of the change within the permitted facility, the date <del>on which</del> the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.</p>	<p><del>implementing</del> the proposed changes, or <del>within</del> a shorter time frame that the Department allows for emergencies. The <del>permittee</del> and the Department shall attach each notice to their copy of the relevant permit. For each change, the written notice shall include a brief description of the change within the permitted facility, the date <del>that</del> the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.</p>	
<p><b>Reg. 19.416 Permit Flexibility</b></p> <p>(A) The Department may grant an extension to any testing, compliance or other dates in the permit. No extensions shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant such a request, at its discretion, in the following circumstances:</p> <ol style="list-style-type: none"> <li>(1) The permittee of the facility makes <del>such a</del> request in writing at least 15 days in advance of the deadline specified in the facility's permit;</li> <li>(2) The extension does not violate a federal requirement;</li> <li>(3) The permittee of the facility demonstrates the need for the extension; and</li> <li>(4) The permittee of the facility documents that all reasonable measures have been taken to meet the current deadline and documents reasons the current deadline cannot be met.</li> </ol>	<p><b>Reg. 35.1013 Permit Flexibility</b></p> <p>(A) The Department may grant an extension to any testing, compliance or other dates in the permit. No extensions shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant the request, at its discretion, in the following circumstances:</p> <ol style="list-style-type: none"> <li>(1) The permittee of the facility makes <del>the</del> request in writing at least <del>fifteen (15)</del> days in advance of the deadline specified in the facility's permit;</li> <li>(2) The extension does not violate a federal requirement;</li> <li>(3) The permittee of the facility demonstrates the need for the extension; and</li> <li>(4) The permittee of the facility documents that all reasonable measures have been taken to meet the current deadline and documents reasons the current deadline cannot be met.</li> </ol>	

Previous Citation	New Citation	Comments
<p>(B) The Department may grant a request to allow temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement or other limit in a facility's permit. <del>No-such</del> activities shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant <del>such-a</del> request, at its discretion, in the following circumstances:</p> <p>(1) The permittee of the facility makes such a request in writing at least 30 days in advance of the date that temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement or other limit in a facility's permit;</p> <p>(2) <del>Such-a</del> request does not violate a federal requirement;</p> <p>(3) <del>Such-a</del> request is temporary in nature;</p> <p>(4) <del>Such-a</del> request will not result in a condition of air pollution;</p> <p>(5) The request contains <del>such</del> information necessary for the Department to evaluate the request, including but not limited to, quantification of <del>such</del>-emissions and the date and time such emission will occur;</p> <p>(6) <del>Such-a</del> request will result in increased emissions less than five tons of any individual <del>criteria-pollutant</del>, one ton of any single <del>HAP</del> and 2.5 tons of total <del>HAPs</del>; and</p>	<p>(B) The Department may grant a request to allow temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement or other <u>limitation</u> in a facility's permit. <u>Requested</u> activities shall <u>not</u> be authorized until the permittee of the facility receives written approval from the Department. The Department may grant <u>the</u> request, at its discretion, in the following circumstances:</p> <p>(1) The permittee of the facility makes the request in writing at least <u>thirty (30)</u> days in advance of the date that temporary emissions and/or testing that would otherwise exceed a permitted emission rate, throughput requirement, or other <u>limitation</u> in a facility's permit;</p> <p>(2) <u>The</u> request does not violate a federal requirement;</p> <p>(3) <u>The</u> request is temporary in nature;</p> <p>(4) <u>The</u> request will not result in a condition of air pollution;</p> <p>(5) The request contains <u>the</u> information necessary for the Department to evaluate the request, including but not limited to, quantification of <u>the</u> emissions and the date and time the emissions will occur;</p> <p>(6) <u>The</u> request will result in increased emissions less than five <u>(5)</u> tons of any individual <u>federally-regulated air pollutant for which a national ambient air quality standard has been adopted under Chapter 2 of this Regulation</u>, one <u>(1)</u> ton of any</p>	

Previous Citation	New Citation	Comments
<p>(7) The permittee of the facility maintains records of the dates and results of such temporary emissions and/or testing.</p> <p>(C) The Department may grant a request to allow an alternative to the monitoring specified in a facility's operating permit. <del>No-such</del> activities shall be authorized until the permittee of the facility receives written approval from the Department. The Department may grant <del>such-a</del> request, at its discretion, in the following circumstances:</p> <p>(1) The permittee <del>operator</del> of the facility makes <del>such-a</del> request in writing at least 30 days in advance of the first date that the monitoring alternative will be used at the facility;</p> <p>(2) <del>Such-a</del> request does not violate a federal requirement;</p> <p>(3) The monitoring alternative provides an equivalent or greater degree of actual monitoring to the requirements in the facility's operating permit; and</p> <p>(4) Any <del>such</del> request, if approved by the Department, is incorporated into the next permit modification application by the permittee of the facility.</p>	<p>single <u>hazardous air pollutant</u> and <u>two and five-tenths (2.5) tons of total hazardous air pollutants</u>; and</p> <p>(7) The permittee of the facility maintains records of the dates and results of the temporary emissions and/or testing.</p> <p>(C) The Department may grant a request to allow an alternative to the monitoring specified in a facility's operating permit. <u>These</u> activities shall <u>not</u> be authorized until the permittee of the facility receives written approval from the Department. The Department may grant <u>the</u> request, at its discretion, in the following circumstances:</p> <p>(1) The permittee of the facility makes <u>the</u> request in writing at least <u>thirty (30)</u> days in advance of the first date that the monitoring alternative will be used at the facility;</p> <p>(2) <u>The</u> request does not violate a federal requirement;</p> <p>(3) The monitoring alternative provides an equivalent or greater degree of actual monitoring to the requirements in the facility's operating permit; and</p> <p>(4) Any request, if approved by the Department, is incorporated into the next permit modification application by the permittee of the facility.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.417 Registration</b></p> <p>(A) Sources currently holding <del>permits issued pursuant to Regulation 19 but whose</del> emissions are below the permitting thresholds <del>of 19.401</del>, and above the registration thresholds of <del>Reg. 18.315</del> may elect to continue to operate under their existing <del>Regulation 19 permit</del> or they may submit a registration under <del>Reg. 18.315</del> and request their <del>Regulation 19</del> permit <del>to be terminated</del>. The <del>Regulation 19</del> permit shall remain in effect until <del>terminated</del>. If a source takes no action, the <del>Regulation 19</del> permit shall remain in effect.</p> <p>(B) A source otherwise <del>subject to registration</del> under <del>Reg. 18.315</del> may elect to instead operate under a permit issued in accordance with <del>Reg. 19.402</del>.</p>	<p><b>Reg. 35.1002 Registration</b></p> <p>(A) <u>Owners or operators of</u> currently <u>permitted</u> sources <u>that have</u> emissions below the permitting thresholds in <u>Reg. 35.1001</u> and above the registration thresholds <u>under Reg. 35.3.1002</u> may elect to continue to operate under their existing permit or they may submit a registration and request <u>that the Department void</u> their permit. The permit shall remain in effect until voided. If the owner or operator of the source takes no action, the permit shall remain in effect.</p> <p>(B) <u>The owner or operator of</u> a source otherwise <u>required to register</u> under Reg. 35.3.1002 may instead choose to operate under a permit issued in accordance with <u>Reg. 35.1001</u>.</p>	

**Regulation No. 19, Chapter 5**

Previous Citation	New Citation	Comments
<p><b>Reg. 19.501 Purpose</b></p> <p>The purpose of this <del>e</del>chapter is to define the general federally regulated air pollutant emissions limitations applicable to all equipment subject to <u>the Plan</u>. Stricter specific limitations may be required in applicable permits if <del>such</del> limitations are necessary to comply with federal law or regulations <del>which</del> are in effect as of the effective date of this <del>r</del>egulation.</p>	<p><b>Reg. 35.401 Purpose</b></p> <p>The purpose of this <u>C</u>hapter is to define the general federally-regulated air pollutant emissions limitations applicable to all equipment subject to this <u>Regulation</u>. Stricter specific limitations may be required in applicable permits if <u>stricter</u> limitations are necessary to comply with federal law or regulations <u>that</u> are in effect as of the effective date of this <u>R</u>egulation.</p>	
<p><b>Reg. 19.502 General Regulations</b></p> <p><del>N</del>o person shall cause or <del>permit</del> the construction or modification of equipment <del>which</del> would cause or allow the following standards or limitations to be exceeded:</p> <p>(A) Any <del>N</del>ational <del>A</del>mbient <del>A</del>ir <del>Q</del>uality <del>S</del>tandard as defined herein;</p> <p>(B) Any ambient air increment pursuant to Chapter 9 of this Regulation;</p> <p>(C) Any applicable emission limitation promulgated by the EPA; or</p> <p>(D) Any applicable emission limitation promulgated by the Department in this <del>r</del>egulation.</p>	<p><b>Reg. 35.403 General Regulation</b></p> <p><u>A</u> person shall <u>not</u> cause or <u>allow</u> the construction or modification of equipment <u>that</u> would cause or allow the following standards or limitations to be exceeded:</p> <p>(A) Any <u>n</u>ational <u>a</u>mbient <u>a</u>ir <u>q</u>uality <u>s</u>tandard;</p> <p>(B) Any ambient air increment (<u>as listed in 40 C.F.R. 52.21</u>);</p> <p>(C) Any applicable emissions limitation promulgated by the EPA; or</p> <p>(D) Any applicable emissions limitation promulgated by the Department in this <u>R</u>egulation.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.503 Visible Emission Regulations</b></p> <p>(A) <del>No person shall cause or permit visible emissions (other than uncombined water vapor) from equipment identified hereunder and which was installed and in operation, or for which a permit had been issued by the Department prior to January 30, 1972, to exceed the following limitations:</del></p> <p>(1) <del>Emissions shall not exceed 40% opacity, except that emissions greater than 40% opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive 60-minute period, provided such emissions will not be permitted more than three (3) times during any 24-hour period.</del></p> <p>(B) <del>No person shall cause or permit visible emissions (other than uncombined water vapor) from new equipment identified hereunder which was installed or permitted by the Department after January 30, 1972, to exceed the following limitations or to exceed any applicable visible emission limitations of the New Source Performance Standards promulgated by the EPA:</del></p> <p>(1) For incinerators and fuel burning equipment, <del>exclusively, emissions shall not exceed 20% opacity except that emissions greater than 20% opacity but not exceeding 60% opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive 60-minute period, provided such emissions will not be permitted more than three (3)</del></p>	<p><b>Reg. 35.404 Visible Emission Regulations</b></p> <p>(A) <u>A person shall not cause or allow visible emissions (other than uncombined water vapor) from incinerators, fuel burning equipment, or manufacturing process equipment in excess of twenty percent (20%) opacity or any applicable visible emission limitations of the New Source Performance Standards promulgated by the EPA, except as allowed in Reg. 35.601(B) and (C). Opacity shall be determined as specified in Reg. 35.601(D).</u></p> <p>(B) For incinerators and fuel burning equipment, exclusively, emissions greater than <u>twenty percent (20%)</u> opacity but not exceeding <u>sixty percent (60%)</u> opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive <u>sixty</u>-minute period, <u>if the</u> emissions will not <u>occur</u> more than three (3) times during any <u>twenty-four</u>-hour period.</p> <p>(C) <u>For equipment installed and operated, or permitted by the Department, on or before January 30, 1972, emissions shall not exceed forty (40%) opacity, except that emissions greater than forty (40%) opacity will be allowed for not more than six (6) minutes in the aggregate in any consecutive sixty-minute period, if the emissions will not occur more than three (3) times during any twenty-four-hour period.</u></p> <p>(D) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A).</p>	<p>This section has been restructured, but the requirements are the same.</p> <p>Reg. 35.404(C) corresponds to Reg. 19.503 (A).</p> <p>Reg. 35.404(A) and Reg. 35.404(B) correspond to Reg. 19.404(B)</p>

Previous Citation	New Citation	Comments
<p>times during any 24-hour period.</p> <p><del>(2) — For equipment used in a manufacturing process, emissions shall not exceed 20%.</del></p> <p>(C) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A).</p>		

Previous Citation	New Citation	Comments
<p><b>Reg. 19.504 Stack Height/Dispersion Regulations</b></p> <p>The stack height provisions of 40 C.F.R. § 51.118 are incorporated by reference. The definition of “stack,” “a stack in existence,” “dispersion technique,” “good engineering practice,” “nearby,” and “excessive concentration” are defined in 40 C.F.R. §§ 51.100 (ff) through (kk) are incorporated into this chapter by reference as of September 12, 1986.</p>	<p><b>Reg. 35.405 Stack Height/Dispersion Regulations</b></p> <p>The stack height provisions of 40 C.F.R. 51.118 are incorporated by reference. The definitions of “stack,” “a stack in existence,” “dispersion technique,” “good engineering practice,” “nearby,” and “excessive concentration” contained in 40 C.F.R. 51.100 (ff) through (kk) are incorporated into this Chapter by reference as of September 12, 1986.</p>	
<p><b>Reg. 19.505 Revised Emissions Limitation</b></p> <p><del>The emissions limitations contained within the Plan and applicable permits are for the purpose of assuring the attainment and maintenance of the NAAQS and have been established within the framework of information presently available to the Department. As additional and more precise information becomes available,</del> the emission limitations and reporting procedures of this chapter may be amended as described below:</p> <p>(A) <del>More restrictive limitations to protect the NAAQS.</del> In accordance with the provisions of the <del>federal</del> Clean Air Act, <del>as amended</del>, and the federal regulations promulgated <del>pursuant to the Clean Air Act, as amended</del>, the emission limitations and reporting procedures of this chapter or any applicable permits may be further amended and made more restrictive <del>where</del> the</p>	<p><b>Reg. 35.406 Revised Emission Limitations</b></p> <p>(A) <u>T</u>he emissions limitations and reporting procedures of this Chapter may be amended as described below:</p> <p>(1) In accordance with the Clean Air Act and the federal regulations promulgated thereunder, the emissions limitations and reporting procedures of this Chapter or any applicable permits may be further amended and made more restrictive <u>if</u> the Director finds more restrictive measures are necessary to assure maintenance of the <u>national ambient air quality standards;</u> <u>and</u></p> <p>(2) Any person subject to the emissions limitations contained in this <u>Regulation</u> or</p>	<p>Trimmed descriptive language</p>

Previous Citation	New Citation	Comments
<p>Director finds more restrictive measures are necessary to assure maintenance of the <del>NAAQS</del>.</p> <p><del>(B) Less restrictive limitations:</del> Any person subject to the emission limitations contained in this <del>Plan</del> or in a permit may petition the Director for a less stringent limitation on the grounds that the existing limitation cannot be met when considering physical, economical, or technological constraints. <del>In no case shall the</del> Director approve a less stringent limitation if it would cause a violation of the NAAQS. The Director shall not approve a less stringent limitation if it violates a federal emission standard or regulation, unless approved according to applicable federal regulations.</p> <p>The Director shall take into account the following factors when making <del>such</del> determinations:</p> <ol style="list-style-type: none"> <li>(1) The process, fuels, and raw materials available and to be employed in the facility involved;</li> <li>(2) The engineering aspects of the application of various types of control techniques <del>which</del> have been adequately demonstrated;</li> <li>(3) Process and fuel changes;</li> </ol>	<p>in a permit may petition the Director for a less stringent limitation on the grounds that the existing limitation cannot be met when considering physical, economical, or technological constraints. <u>The Director shall not</u> approve a less stringent limitation if it would cause a violation of the national ambient air quality standards. The Director shall not approve a less stringent limitation if it violates a federal emission standard or regulation, unless approved according to applicable federal regulations.</p> <p><u>(B)</u> The Director shall take into account the following factors when making <u>a determination to revise an emissions limitation</u>:</p> <ol style="list-style-type: none"> <li>(1) The process, fuels, and raw materials available and to be employed in the facility involved;</li> <li>(2) The engineering aspects of the application of various types of control techniques <u>that</u> have been adequately demonstrated;</li> <li>(3) Process and fuel changes;</li> <li>(4) The respective costs of the application of all control techniques, process changes,</li> </ol>	

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<p>(4) The respective costs of the application of all <del>such</del> control techniques, process changes, alternative fuels, <del>ete.</del>; and</p> <p>(5) Locational and siting considerations.</p> <p>(C) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.</p> <p><del>(D)</del> This provision is in addition to any emergency or upset provision contained in any applicable requirement.</p>	<p>alternative fuels, <del>etcetera</del>; and</p> <p>(5) Locational and siting considerations.</p> <p>(C) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof. This provision is in addition to any emergency or upset provision contained in any applicable requirement.</p>	

Regulation No. 19, Chapter 6

Previous Citation	New Citation	Comments
<p><b>Reg. 19.601 Upset Conditions</b></p> <p>For purposes of this <del>paragraph</del>, “upset condition” <del>shall be defined as exceedences</del> of applicable emission limitations lasting 30 or more minutes, in the aggregate, during a <del>24</del>-hour period, unless otherwise specified in an applicable permit or regulation (<del>such as New Source Performance Standards [NSPS] regulations</del>). All upset conditions, resulting in violation of an applicable permit or regulation, shall be reported to the Department. Any source exceeding an emission limit established by <del>the Plan</del> or applicable permit shall be deemed in violation of <del>said Plan</del> or permit and shall be subject to enforcement action <del>for federally regulated air pollutant emissions</del> given that the person responsible for the source of the excess emissions does the following:</p> <p>(A) Demonstrates to the satisfaction of the Department that <del>the emissions</del> resulted from:</p> <ol style="list-style-type: none"> <li>(1) <del>e</del>quipment malfunction or upset and are not the result of negligence or improper maintenance; or</li> <li>(2) <del>p</del>hysical constraints on the ability of a source to comply with the emission standard, limitation or rate during startup or shutdown;</li> </ol> <p>And that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions.</p> <p><del>(B)</del> Reports <del>such occurrence or upset or breakdown of equipment</del> to the Department by the end of the</p>	<p><b>Reg. 35.501 Upset Conditions</b></p> <p>For purposes of this <u>Chapter</u>, “upset condition” <u>means exceedances</u> of applicable emissions limitations lasting <u>thirty (30)</u> or more minutes, in the aggregate, during a <u>twenty-four</u>-hour period, unless otherwise specified in an applicable permit or regulation. All upset conditions, resulting in violation of an applicable permit or regulation, shall be reported to the Department. Any source exceeding an emissions limitation established by <u>Regulation 35</u> or applicable permit shall be deemed in violation of said <u>requirements</u> or permit and shall be subject to enforcement action. The Department may forego enforcement action given that the person responsible for the source of the excess emissions does the following:</p> <p>(A) Demonstrates to the satisfaction of the Department that <u>the upset condition</u> resulted from:</p> <ol style="list-style-type: none"> <li>(1) <u>E</u>quipment malfunction or upset and are not the result of negligence or improper maintenance; or</li> <li>(2) <u>P</u>hysical constraints on the ability of a source to comply with the emission standard, limitation, or rate during startup or shutdown;</li> </ol> <p><u>(B)</u> All reasonable measures have been taken to immediately minimize or eliminate excess emissions;</p> <p><u>(C)</u> Reports <u>the upset condition</u> to the Department by the end of the next business day after the</p>	

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<p>next business day after the discovery of the occurrence-</p> <p>(E) Submits to the Department, at its request, a full report of <del>such—occurrence</del>, including the identification of and location of the process and control equipment involved in the upset <del>and including</del> a statement of all known causes and the scheduling and nature of the actions to be taken to eliminate future occurrences or to minimize the amount <del>by which said limits are exceeded and to reduce</del> the length of time <del>for which said limits</del> are exceeded.</p>	<p>discovery of the occurrence; <u>and</u></p> <p>(D) Submits to the Department, upon request, a full report of <u>the upset condition</u>, including:</p> <p>(1) <u>The</u> identification and location of the process and control equipment involved in the upset;</p> <p>(2) A statement of all known causes; <u>and</u></p> <p>(3) <u>The</u> scheduling and nature of the actions to be taken to eliminate future occurrences or to minimize the amount and length of time <u>that</u> limitations are exceeded.</p>	
<p><b>Reg. 19.602 Emergency Conditions</b></p> <p>An “emergency” means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the source, including natural disasters, <del>which</del>-situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include non-compliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.</p> <p>(A) An emergency constitutes a complete affirmative</p>	<p><b>Reg. 35.502 Emergency Conditions</b></p> <p>(A) An “emergency” means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the source, including natural disasters, <u>that</u> situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emissions limitation under the permit, due to unavoidable increases in emissions attributable to the upset condition. An emergency shall not include non-compliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.</p> <p>(B) An emergency constitutes a complete affirmative defense to an action brought for non-compliance with technology-based limitations if <u>the conditions of Reg. 35.502(B)(1) through (4)</u> are</p>	

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<p>defense to an action brought for non-compliance with such technology-based limitations if <del>the following conditions</del> are met. The affirmative defense of emergency <del>shall demonstrate</del> through properly signed contemporaneous operating logs, or <del>such</del> other relevant evidence that:</p> <p>(1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;</p> <p>(2) The permitted facility was at the time being properly operated;</p> <p>(3) During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and</p> <p>(4) The permittee submitted notice of the upset to the Department by the end of the next business day after the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.</p> <p><del>(B) [RESERVED]</del></p>	<p>met. The permittee shall demonstrate the affirmative defense of emergency through properly signed contemporaneous operating logs, or <u>any</u> other relevant evidence that:</p> <p>(1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;</p> <p>(2) The permitted facility was at the time being properly operated;</p> <p>(3) During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and</p> <p>(4) The permittee submitted notice of the upset to the Department by the end of the next business day after the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.</p>	



**Regulation No. 19, Chapter 7**

Previous Citation	New Citation	Comments
<p><b>Reg. 19.701 Purpose</b></p> <p>The purpose of this <del>chapter</del> is to generally define the powers of the Department in requiring sampling, monitoring, and reporting requirements at stationary sources. The Department shall enforce all properly incorporated and delegated federal testing requirements at a minimum. Any credible evidence based on sampling, monitoring, and reporting <del>may be used</del> to determine violations of applicable emission limitations.</p>	<p><b>Reg. 35.701 Purpose</b></p> <p>The purpose of this <u>Chapter</u> is to generally define the powers of the Department in requiring sampling, monitoring, and reporting requirements at stationary sources. The Department shall enforce all properly incorporated and delegated federal testing requirements at a minimum. <u>The Department may use</u> any credible evidence based on sampling, monitoring, and reporting to determine violations of applicable emissions limitations.</p>	
<p><b>Reg. 19.702 Air Emissions Sampling</b></p> <p>Any stationary source subject to this <u>regulation</u> shall be subject to the following requirements:</p> <p>(A) <b>Sampling Ports</b></p> <p>To provide any sampling ports, at the request of the Department, required for <del>federally regulated air pollutant</del> emissions sampling, including safe and easy access to such ports.</p> <p>(B) <b>Sampling</b></p> <p>To conduct <del>federally regulated air pollutant</del> emissions sampling, at the request of the Department, to determine the rate, opacity, composition, and/or contaminant concentration of the emissions. All compliance testing shall be done at the expense of the permittee by an independent firm, unless otherwise approved by the Department. Sampling shall not be required for those</p>	<p><b>Reg. 35.702 Air Emissions Sampling</b></p> <p>Any stationary source subject to this <u>Regulation</u> shall be subject to the following requirements:</p> <p>(A) To provide any sampling ports, at the request of the Department, required for emissions sampling, including safe and easy access to the ports;</p> <p>(B) To conduct emissions sampling, at the request of the Department, to determine the rate, opacity, composition, and/or contaminant concentration of the emissions. All compliance testing shall be done at the expense of the permittee by an independent firm, unless otherwise approved by the Department. Sampling shall not be required for those federally regulated air pollutants with continuous emissions monitors;</p> <p>(C) All compliance testing averaging times shall be consistent with the averaging times of the applicable emissions limitations stated in the applicable permit, <u>but</u> in no case shall be greater</p>	

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<p data-bbox="92 138 695 167">pollutants with continuous emissions monitors.</p> <p data-bbox="92 204 413 233">(C) <del>Averaging Times</del></p> <p data-bbox="92 272 831 488">All compliance testing averaging times shall be consistent with the averaging times of the applicable <del>federally regulated air pollutant emissions</del> limitations stated in the applicable permit, <del>which</del> in no case shall be greater than the minimum averaging times of the applicable <del>NAAQS</del>.</p> <p data-bbox="92 526 365 555">(D) <del>Process Rates</del></p> <p data-bbox="92 594 831 810">Unless otherwise approved by the Department, all <del>federally regulated air pollutant</del> emissions sampling shall be performed with the equipment being tested operating at least at 90% of its permitted capacity. Emissions results shall be extrapolated to correlate with 100% of permitted capacity to determine compliance.</p> <p data-bbox="92 847 464 876">(E) <del>Testing Time Frames</del></p> <p data-bbox="92 915 831 1018">Any equipment that is to be tested, at the request of the Department, shall be tested in accordance with the following time frames:</p> <ol data-bbox="186 1057 831 1377" style="list-style-type: none"> <li data-bbox="186 1057 831 1235">(1) Equipment to be constructed or modified shall be tested within 60 days after achieving its maximum permitted production rate, but no later than 180 days after its initial startup;</li> <li data-bbox="186 1273 831 1377">(2) Equipment already operating shall be tested according to the time frames set forth by the Department.</li> </ol> <p data-bbox="92 1414 569 1443">(F) <del>Testing Methods and Records</del></p> <p data-bbox="92 1482 831 1511">The Department shall require that all applicable testing</p>	<p data-bbox="951 138 1593 206">than the minimum averaging times of the applicable <u><a href="#">national ambient air quality standard</a></u>;</p> <p data-bbox="856 243 1593 496">(D) Unless otherwise approved by the Department, emissions sampling shall be performed with the equipment being tested operating at least at <u><a href="#">ninety percent (90%)</a></u> of its permitted capacity. Emissions results shall be extrapolated to correlate with <u><a href="#">one hundred percent (100%)</a></u> of permitted capacity to determine compliance;</p> <p data-bbox="856 534 1593 636">(E) Any equipment that is to be tested, at the request of the Department, shall be tested in accordance with the following time frames;</p> <ol data-bbox="951 675 1593 1029" style="list-style-type: none"> <li data-bbox="951 675 1593 891">(1) Equipment to be constructed or modified shall be tested within <u><a href="#">sixty (60)</a></u> days after achieving its maximum permitted production rate, but no later than one hundred eighty (180) days after its initial startup; and</li> <li data-bbox="951 928 1593 1029">(2) Equipment already operating shall be tested according to the time frames set forth by the Department.</li> </ol> <p data-bbox="856 1073 1593 1252"><u><a href="#">(F) Except as provided in Reg. 35.702(G)</a></u>, The Department shall require that all applicable testing be performed using the methods described in:</p> <ol data-bbox="951 1299 1593 1474" style="list-style-type: none"> <li data-bbox="951 1299 1593 1474"><u><a href="#">(1)</a></u> 40 C.F.R. Part 51, Appendix M, as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452);</li> </ol>	

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<p>be performed using the methods described in 40 C.F.R. Part 51, Appendix M, as of the effective date of the federal final rule published by EPA in the Federal Register on April 2, 2014 (79 FR 18452); 40 C.F.R. Part 60, Appendix A, as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257); 40 C.F.R. Part 61, Appendix B, as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2000 (65 FR 62161); and 40 C.F.R. Part 63, Appendix A, as of the effective date of the federal final rule published by EPA in the Federal Register on December 29, 1992 (57 FR 62002). The Department, with the concurrence of the EPA, may approve, at its discretion, alternate sampling methods that are equivalent to the specified methods. The results of <del>such</del> tests <del>shall be submitted</del> to the Department within the time frames and on <del>such</del> forms <del>as</del> required by the Department and federal regulations. <del>The owner or operator of the equipment shall</del> retain the results of <del>such</del> tests for at least five (5) years, and shall make the results available to any agents of the Department or the EPA during regular business hours.</p>	<p>(2) 40 C.F.R. Part 60, Appendix A, as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11257);</p> <p>(3) 40 C.F.R. Part 61, Appendix B, as of the effective date of the federal final rule published by EPA in the Federal Register on October 17, 2000 (65 FR 62161); and</p> <p>(4) 40 C.F.R. Part 63, Appendix A, as of the effective date of the federal final rule published by EPA in the Federal Register on December 29, 1992 (57 FR 62002).</p> <p>(G) The Department, with the concurrence of the EPA, may approve, at its discretion, alternate sampling methods that are equivalent to the <u>methods specified in Reg. 35.702(F)</u>.</p> <p>(H) <u>The owner or operator of the equipment shall</u></p> <p>(1) <u>Submit the results of <u>equipment</u> tests to the Department within the time frames and on forms required by the Department and federal regulations;</u></p> <p>(2) <u>Retain the results of the tests for at least five (5) years; and</u></p> <p>(3) <u>Make the results available to any agents</u></p>	

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	<p style="text-align: center;">of the Department or the EPA during regular business hours.</p>	
<p><b>Reg. 19.703 Continuous Emissions Monitoring</b></p> <p>Any stationary source subject to this regulation shall, as required by federal law and upon request of the Department:</p> <p>(A) Install, calibrate, operate, and maintain equipment to continuously monitor or determine federally regulated air pollutant emissions in accordance with applicable performance specifications in 40 C.F.R. Part 60 Appendix B as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11271), and quality assurance procedures in 40 C.F.R. Part 60 Appendix F as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11274),—and other methods and conditions that the Department, with the concurrence of the EPA, shall prescribe. Any source listed in a category in 40 C.F.R. Part 51 Appendix P as of the effective date of the federal final rule published by EPA in the Federal Register on November 7, 1986 (51 FR 40675), or in 40 C.F.R. Part 60 as of August 30, 1992, shall adhere to all continuous emissions monitoring or alternative continuous emission monitoring requirements stated therein, if applicable.</p> <p>(B) Report the data collected by the monitoring equipment to the Department at <del>such</del> intervals and on <del>such</del> forms as the Department shall prescribe, in accordance with 40 C.F.R. Part 51,</p>	<p><b>Reg. 35.703 Continuous Emissions Monitoring</b></p> <p><del>The owner or operator of</del> any stationary source subject to this Regulation shall, as required by federal law and upon request by the Department:</p> <p>(A) Install, calibrate, operate, and maintain equipment or continuously monitor emissions in accordance with</p> <p>(1) <del>Applicable performance specifications in 40 C.F.R. Part 60, Appendix B as of the effective date of the federal final rule published by the EPA in the Federal Register on February 27, 2014 (79 FR 11271);</del></p> <p>(2) <del>Quality assurance procedures in 40 C.F.R. Part 60, Appendix F as of the effective date of the federal final rule published by the EPA in the Federal Register on February 27, 2014 (79 FR 11274);</del> and</p> <p>(3) <del>Other Methods and conditions that the Department, with concurrence of the EPA, shall prescribe.</del></p> <p>(4) The owner or operator of any source listed in a category in 40 C.F.R. Part 51,</p>	

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<p>Appendix P, Section 4.0 (Minimum Data Requirements) as of the effective date of the federal final rule published by EPA in the Federal Register on November 7, 1986 (51 FR 40675), and any other applicable reporting requirements promulgated by the EPA.</p>	<p>Appendix P as of the effective date of the federal final rule published by the EPA in the Federal Register on November 7, 1986 (51 FR 40675), or 40 C.F.R. Part 60 as of August 30, 1992, shall adhere to all continuous emissions monitoring or alternative continuous emission monitoring requirements stated therein, if applicable; <u>and</u></p> <p>(B) Report the data collected by the monitoring equipment to the Department at intervals and on forms as the Department shall prescribe, in accordance with 40 C.F.R. Part 51, Appendix P, § 4.0 (Minimum Data Requirements) as of the effective date of the federal final rule published by the EPA in the Federal Register on November 7, 1986 (51 FR 40675), and any other applicable reporting requirements promulgated by the EPA.</p>	
<p><b>Reg. 19.704 Notice of Completion</b></p> <p>For equipment <del>for which</del> a new permit or major permit modification <del>is required</del>, the Department shall be notified in writing within 30 days of the following events;</p> <p>(A) The date of commencement of construction or modification; and</p> <p>(B) The date of commencement of operation of <del>the</del> equipment.</p>	<p><b>Reg. 35.704 Notice of Completion</b></p> <p>For equipment <u>requiring</u> a new permit or a major permit modification, the Department shall be notified in writing within <u>thirty (30)</u> days of the following events:</p> <p>(A) The date of commencement of construction or modification; and</p> <p>(B) The date of commencement of operation of <u>a piece of</u> equipment.</p>	
<p><b>Reg. 19.705 Record Keeping and Reporting Requirements</b></p> <p>Any stationary source subject to this <del>regulation</del> shall,</p>	<p><b>Reg. 35.705 Recordkeeping and Requirements</b></p> <p>(A) <u>The owner or operator of</u> any stationary source subject to this <u>Regulation</u> shall, upon request by</p>	<p>Per the first sentence in Reg. 19.705(C), the department can request information and</p>

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<p>upon request by the Department:</p> <p>(A) Maintain records on the nature and amounts of <del>federally regulated air pollutants emitted to the air</del> by the equipment in question. All records, including compliance status reports and excess emissions measurements <del>shall be retained</del> for at least five (5) years, and <del>shall be made</del> available to <del>any agent of the</del> Department or EPA during regular business hours.</p> <p>(B) Supply the following information, correlated in units of the applicable emissions limitations, to the Department:</p> <p>(1) General process information related to the emissions <del>of federally regulated air pollutants into the air.</del></p> <p>(2) Emissions data obtained through sampling or continuous emissions monitoring.</p> <p>(C) Information and data shall be submitted to the Department by a responsible official on <del>such</del> forms and at <del>such</del> time intervals as prescribed by applicable federal regulations or the Department. <del>Reporting periods shall be a 12 month period.</del></p> <p>(D) Each emission inventory is to be accompanied by a certifying statement, signed by the owner(s) or operator(s) and attesting that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The certification shall include the full name, title, signature, date of signature, and telephone number of the certifying official.</p>	<p>the Department:</p> <p>(1) Maintain records on the nature and amounts of <u>emissions</u> by the equipment in question.</p> <p>(2) <u>Retain</u> all records, including compliance status reports and excess emissions measurements, for at least five (5) years, and <u>make the records</u> available to the Department or the EPA during regular business hours;</p> <p>(3) Supply the following information, correlated in units of the applicable emissions limitations, to the Department:</p> <p>(a) General process information related to the emissions; <u>and</u></p> <p>(b) Emissions data obtained through sampling or continuous emissions monitoring.</p> <p>(B) Information and data shall be submitted to the Department by a responsible official on forms and at time intervals as prescribed by applicable federal regulations or the Department.</p> <p>(C) Each emission inventory is to be accompanied by a certifying statement, signed by the owner or operator and attesting that the information contained in the inventory is true and accurate to the best knowledge of the certifying official. The certification shall include the full name, title, signature, date of signature, and telephone</p>	<p>data on forms and at time intervals as prescribed by the Department or federal regulations. Therefore, the next sentence is unnecessary as the Department is allowed to prescribe that based on the first sentence.</p> <p>Passive voice changed to active voice where appropriate. Added the owner or operator to be the subject that maintains records instead of the building, structure, facility or installation that emits or may emit any federally-regulated pollutant.</p> <p>Broke out lists into subsections to improve readability.</p>

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	number of the certifying official.	
<p><b>Reg. 19.706 Public Availability of Emissions Data</b></p> <p>Emissions data obtained by the Department shall be correlated in units of applicable emissions limitations and be made available to the public at the Department's central offices during normal business hours.</p>	<p><b>Reg. 35.706 Public Availability of Emissions Data</b></p> <p>Emissions data obtained by the Department shall be correlated in units of applicable emissions limitations and be made available to the public at the Department's central offices during normal business hours.</p>	

**Regulation No. 19, Chapter 8**

Previous Citation	New Citation	Comments
<p><b>Reg. 19.801 Purpose</b></p> <p>The purpose of this <del>chapter</del> is to establish regulations for designated pollutants emitted from designated facilities in accordance with <del>Section</del> 111(d) <del>of the Clean Air Act</del>.</p>	<p><b>Reg. 35.801 Purpose</b></p> <p>The purpose of this <u>Chapter</u> is to establish regulations for designated pollutants emitted from designated facilities in accordance with <u>Clean Air Act §</u> 111(d).</p>	
<p><b>Reg. 19.802 Permit Emissions Limitations</b></p> <p><del>No</del> person shall cause or <del>permit</del> emissions from equipment located at facilities described in this <del>chapter</del> to be exceeded. Future permit conditions may place more stringent emissions limitations on the equipment which shall supersede the limitations of this <del>section</del>.</p>	<p><b>Reg. 35.802 Permit Emissions Limitations</b></p> <p><u>A</u> person shall <del>not</del> cause or <u>allow</u> emissions limitations from equipment located at facilities described in this <u>Chapter</u> to be exceeded. Future permit conditions may place more stringent emissions limitations on the equipment that shall supersede the limitations of this <u>Chapter</u>.</p>	
<p><b>Reg. 19.803 Sulfuric Acid Plants (H<sub>2</sub>SO<sub>4</sub> Mist)</b></p> <p>(A) El Dorado Chemical Company (Arkansas Facility Identification Number [AFIN] 7000040) of El Dorado shall not exceed the following emission limitation after November 1, 1980:</p> <ul style="list-style-type: none"> <li>(1) Sulfuric Acid Plant - 0.5 lb sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) mist/ton 100% acid.</li> <li>(2) [RESERVED]</li> </ul> <p>(B) Compliance testing shall be performed using EPA Method #8 (40 C.F.R. Part 60 Appendix A as of May 25, 1979) at intervals specified in the applicable permit.</p>	<p>None</p>	<p>El Dorado Chemical Company reconstructed and became subject to 40 C.F.R. § 60 Subpart H and are no longer subject to 111(d). 40 C.F.R. § 60 Subpart H limits sulfuric acid mist to 0.15 lb per ton of 100% acid; which is more stringent than this limit.</p>

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<p><b>Reg. 19.804 Kraft Pulp Mills (<del>TRS</del>)</b></p> <p>(A) <del>Affected Facilities</del></p> <p><del>Equipment located at the following kraft pulp mills are affected by the provisions of this subsection. The total reduced sulfur (TRS) emissions limitations are contained in Table 19.8.1.</del></p> <p>(1) <del>International Paper Company (AFIN 3500016) of Pine Bluff.</del></p> <p>(2) Green Bay Packaging, Arkansas Kraft Division (AFIN 1500001) <del>of Morrilton.</del></p> <p>(3) <del>Delta National Kraft (AFIN 3500017) of Pine Bluff.</del></p> <p>(4) Georgia-Pacific Corporation (AFIN 0200013) <del>of Crossett.</del></p> <p>(5) <del>Georgia Pacific Corporation (AFIN 4100002) of Ashdown.</del></p> <p>(6) <del>Potlatch Corporation (AFIN 2100036) of McGehee.</del></p> <p>(B) <del>Compliance Testing Requirements</del></p> <p><del>All designated equipment in Table 19.8.1 shall have annual compliance testing of TRS emissions performed using EPA Method 16. Data reduction shall be performed as set forth in 40 C.F.R. § 60.8 as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11241). Annual compliance testing will not be required for equipment with a continuous TRS emissions monitor.</del></p> <p>(C) <del>Continuous Monitoring Requirements</del></p>	<p><b>Reg. 35.803 Kraft Pulp Mills (<u>Total Reduced Sulfur</u>)</b></p> <p>(A) <u>Reg. 35.803(B) and (C) and the emissions limitations in Table 35.8.1 are applicable to equipment located at the following kraft pulp mills:</u></p> <p>(1) <u>Evergreen Packaging (AFIN 35-00016);</u></p> <p>(2) Green Bay Packaging, Arkansas Kraft Division (AFIN 15-00001);</p> <p>(3) <u>Mondi Pine Bluff (AFIN 35-00017);</u></p> <p>(4) Georgia-Pacific Corporation (AFIN 02-00013);</p> <p>(5) <u>Domtar A.W. (AFIN 41-00002); and</u></p> <p>(6) <u>Clearwater Paper Corporation (AFIN 21-00036).</u></p> <p>(B) <u>The owner or operator of designated equipment in Table 35.10.1 shall test compliance with total reduced sulfur emissions limitations using EPA Method 16 at intervals of no longer than five (5) years following the previous compliance test.</u> Data reduction shall be performed as set forth in 40 C.F.R. 60.8 as of the effective date of the federal final rule published by EPA in the Federal Register on February 27, 2014 (79 FR 11241). Compliance testing <u>at five-year intervals</u> will not be required for equipment with a continuous <u>total reduced sulfur</u> emissions monitor.</p> <p>(C) <u>The owner or operator of any equipment located at the above designated facilities shall conduct <u>total reduced sulfur</u></u></p>	<p>Names have been changed to reflect current ownership of these affected facilities. The testing requirement has been revised to every five years consistent with the testing requirements of the 111(b) standard that correspond with this 111(d) standard. Without this revision, our 111(d) testing requirements would be more stringent than required for new sources.</p> <p>In the table of emissions limitations, IP Camden has been removed from this table. That facility has permanently shut down. Names for facilities have been updated.</p>

Previous Citation	New Citation	Comments																																																				
<p>Any equipment located at the above designated facilities shall conduct <del>TRS</del> continuous monitoring in accordance with the requirements of 40 C.F.R. § 60.284 (date of installation not withstanding). The continuous monitoring systems shall be operated according to the provisions of 40 C.F.R. § 60.284 by April 1, 1993, except that continuous emissions monitors for affected lime kilns shall be installed and certified by January 1, 1994.</p>	<p><u>continuous</u> monitoring in accordance with the requirements of 40 C.F.R. 60.284 (date of installation not withstanding). The continuous monitoring systems shall be operated according to the provisions of 40 C.F.R. 60.284 by April 1, 1993, except that continuous emissions monitors for affected lime kilns shall be installed and certified by January 1, 1994.</p>																																																					
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Previous Citation				New Citation				Comments
1500001	Green Bay Packaging, Arkansas Kraft Division	recovery furnace	40 ppm			lime kiln	40 ppm	
		lime kiln	40 ppm			smelt dissolving tank	0.0168 g/kg	
		smelt dissolving tank	0.0168 g/kg			02-00013	<a href="#">Georgia Pacific Corporation</a>	recovery furnace
3500017	<a href="#">Gaylord Container, Corp.</a>	recovery furnace	100 ppm	lime kiln	8 ppm			
		lime kiln	40 ppm	smelt dissolving tank	0.0168 g/kg			
		smelt dissolving tank	0.0168 g/kg	41-00002	<a href="#">Domtar A.W.</a>	recovery furnace	5 ppm	
0200013	<a href="#">GP Crossett</a>	recovery furnace	5 ppm			lime kiln	8 ppm	
		lime kiln	8 ppm			smelt dissolving tank	0.0168 g/kg	
		smelt dissolving tank	0.0168 g/kg	21-00036	<a href="#">Clearwater Paper Corporation</a>	recovery furnace	5 ppm	
4100002	<a href="#">GP Ashdown</a>	recovery furnace	5 ppm			lime kiln	20 ppm	
		lime kiln	8 ppm			smelt dissolving tank	0.0168 g/kg	
		smelt dissolving tank	0.0168 g/kg	Recovery Furnaces – measured as hydrogen sulfide (H <sub>2</sub> S) on a dry basis and on a twelve (12) hour average, corrected to <u>eight percent (8%)</u> by volume oxygen.				

Previous Citation				New Citation	Comments
2100036	<del>Potlatch</del> McGehee	recovery furnace	5 ppm	<p>Lime Kilns – measured as H<sub>2</sub>S on a dry basis and on a twelve (12) hour average, corrected to <u>ten percent (10%)</u> volume oxygen.</p> <p>Smelt Dissolving Tanks – measured as grams H<sub>2</sub>S/kg black liquor solids on a twelve (12) hour average.</p> <p>Digesters and Evaporators – efficient incineration of non-condensable gases (at least 1200°F for at least one-half (0.5) second).</p>	
		lime kiln	20 ppm		
		smelt dissolving tank	0.0168 g/kg		
<p>Recovery Furnaces – measured as hydrogen sulfide (H<sub>2</sub>S) on a dry basis and on a twelve (12) hour average, corrected to 8% by volume oxygen.</p> <p>Lime Kilns – measured as H<sub>2</sub>S on a dry basis and on a twelve (12) hour average, corrected to 10% volume oxygen.</p> <p>Smelt Dissolving Tanks – measured as grams H<sub>2</sub>S/kg black liquor solids on a twelve (12) hour average.</p> <p>Digesters and Evaporators – efficient incineration of non-condensable gases (at least 1200°F for at least one-half (0.5) second).</p>					

**Regulation No. 19, Chapter 9**

<b>Previous Citation</b>	<b>New Citation</b>	<b>Comments</b>
<p><b>Reg. 19.901 Title</b></p> <p>The following rules and regulations of the Arkansas Pollution Control and Ecology Commission, adopted in accordance with the provisions of Part II of the Arkansas Water and Air Pollution Control Act at Ark. Code Ann. § 8-4-101 <i>et seq.</i>, shall be known as the Prevention of Significant Deterioration Regulations of the Arkansas Plan of Implementation for Air Pollution Control, hereinafter referred to, respectively, as the “PSD Regulations.”</p>	<p><b>None</b></p>	<p>Title section is unnecessary since this is a Chapter in a regulation and not an entire regulation on its own.</p>
<p><b>Reg. 19.902 Purposes</b></p> <p>Promulgation and enforcement of <del>these PSD Regulations</del> is intended to further the purposes of the <del>Plan</del> and <del>the Regulations of the Plan</del>, including, but not limited to, acceptance of delegation by the EPA of authority for enforcement of regulations governing the prevention of significant deterioration of air quality and regulations governing the protection of visibility in mandatory Class I federal areas.</p>	<p><b>Reg. 35.1101 Purpose</b></p> <p>Promulgation and enforcement of <u>this Chapter</u> is intended to further the purposes of the <u>state implementation plan and this Regulation</u>, including, but not limited to, acceptance of delegation by the EPA of authority for enforcement of regulations governing the prevention of significant deterioration of air quality and regulations governing the protection of visibility in mandatory Class I federal areas.</p>	
<p><b>Reg. 19.903 Definitions</b></p> <p>(A) “Advance notification” (of a permit application) means any written communication <del>which</del> establishes the applicant's intention to construct, and <del>which</del> provides the Department with sufficient information to determine that the proposed source may constitute a major <u>new</u> source or major modification, and that <del>such</del> source may affect any mandatory Class I federal area, including, but not limited to, submittal of a draft or partial permit application, a <u>PSD</u> monitoring plan, or a sufficiently detailed letter.</p>	<p><b>Reg. 35.1102 Definitions</b></p> <p>(A) "<b>Advance notification</b>" (of a permit application) means any written communication <u>that</u> establishes the applicant's intention to construct, and <u>that</u> provides the Department with sufficient information to determine that the proposed source may constitute a <u>new</u> major source or major modification, and that <u>the</u> source may affect any mandatory Class I federal area, including, but not limited to, submittal of a draft or partial permit application, a <u>Prevention of Significant Deterioration</u> monitoring plan, or a sufficiently</p>	

Previous Citation	New Citation	Comments
<p>“Advance notification” does not include general inquiries about the Department’s regulations.</p> <p>(B) “Regulated NSR Pollutant,” for purposes of this chapter, means the following:</p> <p>(1) Any pollutant for which a national ambient air quality standard has been adopted under Chapter 2 of this Regulation and any pollutant identified under <del>this paragraph (B)(1)</del> as a constituent or precursor <del>for such pollutant</del>. Precursors identified by the Department for purposes of <del>NSR</del> are the following:</p> <p>(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.</p> <p>(b) Sulfur dioxide is a precursor to PM<sub>2.5</sub> in all attainment and unclassifiable areas.</p> <p>(c) Nitrogen oxides are presumed to be precursors to PM<sub>2.5</sub> in all attainment and unclassifiable areas, unless Arkansas demonstrates to the Administrator’s satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area’s ambient PM<sub>2.5</sub> concentrations.</p> <p>(d) Volatile organic compounds are</p>	<p>detailed letter. "Advance notification" does not include general inquiries about the Department's regulations.</p> <p>(B) <b>“Regulated NSR Pollutant”</b> for the purposes of this <u>C</u>hapter means:</p> <p>(1) Any <u>federally-regulated air</u> pollutant for which a national ambient air quality standard has been adopted under Chapter 2 of this Regulation and any <u>federally-regulated air</u> pollutant identified under <u>Reg. 35.1102(B)(1)(a) through (d)</u> as a constituent or precursor. Precursors identified by the Department for purposes of <u>new source review</u> are the following:</p> <p>(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.</p> <p>(b) Sulfur dioxide is a precursor to PM<sub>2.5</sub> in all attainment and unclassifiable areas.</p> <p>(c) Nitrogen oxides are presumed to be precursors to PM<sub>2.5</sub> in all attainment and unclassifiable areas, unless Arkansas demonstrates to the Administrator’s satisfaction or EPA demonstrates that emissions of nitrogen oxides from sources in a specific area are not a significant contributor to that area’s ambient PM<sub>2.5</sub> concentrations.</p>	

Previous Citation	New Citation	Comments
<p>presumed not to be precursors to PM<sub>2.5</sub> in any attainment or unclassifiable area, unless Arkansas demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.</p> <p>(2) Any pollutant that is subject to any standard promulgated under <del>Section 111 of the Act</del> as of July 27, 2012;</p> <p>(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI <del>of the Act</del>;</p> <p>(4) Any pollutant that otherwise is subject to regulation under the Act;</p> <p>(5) Notwithstanding paragraphs (B)(1) through (4) of this section, the term <i>regulated NSR pollutant</i> shall not include any or all hazardous air pollutants either listed in <del>Section 112 of the Act</del>, or added to the list pursuant to <del>Section 112(b)(2) of the Act</del>, and which have not been delisted pursuant to <del>Section 112(b)(3) of the Act</del>, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under <del>Section 108 of the Act</del> as of July 27, 2012; and</p> <p>(6) PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions</p>	<p>(d) Volatile organic compounds are presumed not to be precursors to PM<sub>2.5</sub> in any attainment and unclassifiable area, unless Arkansas demonstrates to the Administrator's satisfaction or EPA demonstrates that emissions of volatile organic compounds from sources in a specific area are a significant contributor to that area's ambient PM<sub>2.5</sub> concentrations.</p> <p>(2) Any federally-regulated air pollutant that is subject to a standard promulgated under <u>Clean Air Act § 111</u> as of July 27, 2012;</p> <p>(3) Any Class I or II substance subject to a standard promulgated under or established by <u>Clean Air Act</u> Title VI as amended as of July 1, 1997;</p> <p>(4) Any federally-regulated air pollutant that otherwise is subject to regulation under the <u>Clean Air Act</u>;</p> <p>(5) Notwithstanding <u>Reg. 35.1502</u>(B)(1) through (4), the term <i>regulated NSR pollutant</i> shall not include any or all hazardous air pollutants either listed in <u>Clean Air Act § 112</u>, or added to the list pursuant to <u>Clean Air Act § 112(b)(2)</u>, and which has not been delisted pursuant to <u>Clean Air Act § 112(b)(3)</u>, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a federally-regulated air pollutant listed</p>	

Previous Citation	New Citation	Comments
<p>shall include gaseous emissions from a source or activity, <del>which</del> condense to form particulate matter at ambient temperatures. As of the effective date of the federal final rule published by EPA in the Federal Register on Thursday, October 25, 2012 (77 FR 65107), such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub>, and PM<sub>10</sub> <del>in PSD permits</del>. Compliance with emissions limitations for PM<sub>2.5</sub>, and PM<sub>10</sub> issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this <del>e</del>chapter.</p> <p>(C) For the purpose of this <del>e</del>chapter, “subject to regulation” means, for any air pollutant, that the pollutant is subject to either a provision of the <del>federal</del> Clean Air Act, or a nationally-applicable regulation codified by the Administrator pursuant to 40 C.F.R. Chapter 1, Subchapter C and adopted herein, that requires actual control of the quantity of emissions of that pollutant and that <del>such</del> a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity.</p> <p>(D) All other terms used herein shall have the same meaning as set forth in Chapter 2 of</p>	<p>under <u>Clean Air Act § 108</u>; and</p> <p>(6) PM<sub>2.5</sub> emissions and PM<sub>10</sub> emissions shall include gaseous emissions from a source of activity <u>that</u> condense to form particulate matter at ambient temperatures. As of the effective date of the federal final rule published by EPA in the Federal Register on Thursday, October 25, 2012 (77 FR 65017) the condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub>. Compliance with emissions limitations for PM<sub>2.5</sub> and PM<sub>10</sub> issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable <u>state</u> implementation plan. Applicability determinations made prior to this date without accounting for condensable particulate matter shall not be considered in violation of this <u>C</u>hapter.</p> <p>(C) For the purpose of this Chapter, “<b>subject to regulation</b>” means, for any <u>federally-regulated air</u> pollutant, that the <u>federally-regulated air</u> pollutant is subject to either a provision of the Clean Air Act, or a nationally-applicable regulation codified by the Administrator pursuant to 40 C.F.R. Chapter 1, Subchapter C and adopted herein, that requires actual control of the quantity of emissions of that <u>federally-regulated air</u> pollutant and that a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that <u>federally-regulated air</u> pollutant released from the regulated</p>	

Previous Citation	New Citation	Comments
<p>Regulation <del>19</del> or in 40 C.F.R. § 52.21(b) [<del>PSD</del>] and 40 C.F.R. § 51.301 [Protection of Visibility] as of October 20, 2010, and adopted in <del>Reg. 19.904</del>, unless manifestly inconsistent with the context <del>in which</del> they are used. Wherever there is a difference between the definitions in Chapter 2 of Regulation <del>19</del> and those listed in 40 C.F.R. § 52.21(b) and C.F.R. § 51.301, the federal definitions as listed in 40 C.F.R. § 52.21(b), as adopted in <del>Reg. 19.904</del> and <del>Reg. 19.903(A), (B) and (C)</del>, and 40 C.F.R. § 51.301 as of October 20, 2010, shall apply.</p> <p>(E) The definition for “routine maintenance, repair and replacement” in 40 C.F.R. § 52.21(b)(2)(iii)(a) is not incorporated.</p>	<p>activity.</p> <p>(D) All other terms used herein shall have the same meaning as set forth in Chapter 2 of Regulation <del>35</del> or in 40 C.F.R. 52.21(b) [<del>Prevention of Significant Deterioration</del>] and 40 C.F.R. 51.301 [Protection of Visibility] as of October 20, 2010, and adopted in <del>Reg. 35.1103</del>, unless manifestly inconsistent with the context <del>where</del> they are used. Wherever there is a difference between the definitions in Chapter 2 of Regulation <del>35</del> and those listed in 40 C.F.R. 52.21(b) and C.F.R. 51.301, the federal definitions as listed in 40 C.F.R. 52.21(b), as adopted in <del>Reg. 35.1504</del> and <del>Reg. 35.1502(A), (B) and (C)</del>, and 40 C.F.R. 51.301 as of October 20, 2010, shall apply.</p> <p>(E) The definition for “routine maintenance, repair and replacement” in 40 C.F.R. 52.21(b)(2)(iii)(a) is not incorporated.</p>	

Previous Citation	New Citation	Comments
<p><b>Reg. 19.904 Adoption of Regulations</b></p> <p>(A) Except where manifestly inconsistent with the provisions of the Clean Air Act, as amended, or with federal regulations adopted pursuant thereto, and as amended specifically herein by <del>paragraphs (B), (C), (D), (E), (F), and (G) of Reg. 19.904</del>, the <del>Arkansas</del> Department of <del>Environmental Quality</del> shall have those responsibilities and that authority, with reference to the State of Arkansas, granted to the Administrator <del>of the EPA</del> under 40 C.F.R. § 52.21 (a)(2) through (bb), as in effect on November 29, 2005, which are hereby incorporated herein by reference with the exception of:</p> <p>(1) 40 C.F.R. § 52.21(aa), which is incorporated by reference as in effect on August 13, 2012, except for instances in the sections of 40 C.F.R. § 52.21(aa) where 40 C.F.R. § 52.21(b)(49) is referenced. In those instances, paragraph (G) of <del>Reg. 19.904</del> shall apply;</p> <p>(2) 40 C.F.R. § 52.21(r)(6), which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on December 21, 2007 (72 FR 72607);</p> <p>(3) 40 C.F.R. §§ 52.21(b)(23), 52.21(i)(5)(ii), and 52.21(i)(5)(iii), which are incorporated by reference as of May 16, 2008;</p> <p>(4) 40 C.F.R. §§ 52.21(b)(14)(i) [Major Source Baseline Date], 52.21(b)(14)(ii) [Minor Source Baseline Date],</p>	<p><b>Reg. 35.1103 Adoption of Regulations</b></p> <p>(A) Except where manifestly inconsistent with the provisions of the Clean Air Act, as amended, or with federal regulations adopted pursuant thereto, and as amended specifically herein by <u>Reg. 35.1103(B) through (G)</u>, the Department shall have those responsibilities and that authority, with reference to the State of Arkansas, granted by the Administrator under 40 C.F.R. 52.21(a)(2) through (bb), as in effect on November 29, 2005, which are hereby incorporated by reference, with the exception of:</p> <p>(1) 40 C.F.R. 52.21(aa), which is incorporated by reference as in effect on August 13, 2012, except for instances in the sections of 40 C.F.R. 52.21(aa) where 40 C.F.R. 52.21(b)(49) is referenced. In those instances, paragraph (G) of <u>Reg. 35.1603</u> shall apply;</p> <p>(2) 40 C.F.R. 52.21(r)(6), which is incorporated by reference as of the effective date of the federal final rule published by EPA in the Federal Register on December 21, 2007 (72 FR 72607);</p> <p>(3) 40 C.F.R. 52.21(b)(23), 52.21(i)(5)(ii), and 52.21(i)(5)(iii), which are incorporated by reference as of May 16, 2008;</p> <p>(4) 40 C.F.R. 52.21(b)(14)(i) [Major Source Baseline Date], 52.21(b)(14)(ii) [Minor Source Baseline Date], 52.21(b)(14)(iii), 52.21(b)(15) [Baseline Area], 52.21(c) [Ambient Air Increments], 52.21(k)(1)</p>	<p>GHG is defined in Chapter 2, no need to redefine here. Same with CO2E.</p> <p>Reg. 19.904(G)(5) is not retained because the federal rule upon which it was based has been vacated. This provision was stayed until the Commission makes a determination. See 80 FR 50199.</p>

Previous Citation	New Citation	Comments
<p>52.21(b)(14)(iii), 52.21(b)(15) [Baseline Area], 52.21(c) [Ambient Air Increments], 52.21(k)(1) [Source Impact Analysis Requirements], and 52.21(p) [Requirements for Sources Impacting Federal Class I areas], which are incorporated herein by reference as of October 20, 2010;</p> <p>(5) 40 C.F.R. §§ 52.21(b)(49), 52.21(b)(50), 52.21(b)(55-58), 52.21(i)(9), and 52.21(cc), which are not incorporated herein.</p> <p>In the absence of a specific imposition of responsibility or grant of authority, the Department shall be deemed to have that responsibility and authority necessary to attain the purposes of the Plan, these PSD Regulations, and the applicable federal regulations, as incorporated herein by reference.</p> <p>(B) Exclusions from the consumption of increments, as provided in 40 C.F.R. § 51.166(f)(1)(iii) as of November 29, 2005, shall be effective immediately. Submission of this <del>Plan</del> under the Governor's signature constitutes a request by the Governor for this exclusion.</p> <p>(C) In addition to the requirements of 40 C.F.R. § 52.21(o) as of November 29, 2005, the following requirements <del>{designated as Reg. 19.904(C)(1),(2),(3) and (4)}</del> shall also apply:</p> <p>(1) <del>Where</del> air quality impact analyses required under this part indicate that the issuance of a permit for any major stationary source or for any major</p>	<p>[Source Impact Analysis Requirements], and 52.21(p) [Requirements for Sources Impacting Federal Class I Areas], which are incorporated herein by reference as of October 20, 2010; and</p> <p>(5) 40 C.F.R. 52.21(b)(49), 52.21(b)(50), 52.21(b)(55-58), 52.21(i)(9), and 52.21(cc), which are not incorporated herein.</p> <p><u>(6)</u> In the absence of a specific imposition of responsibility or grant of authority, the Department has that responsibility and authority necessary to attain the purposes of the state implementation plan, this Chapter, and the applicable federal regulations, as incorporated by reference.</p> <p>(B) Exclusions from the consumption of increments, as provided in 40 C.F.R. 51.166(f)(1)(iii) as of November 29, 2005, shall be effective immediately. Submission of this Regulation under the Governor's signature constitutes a request by the Governor for this exclusion.</p> <p>(C) In addition to the requirements of 40 C.F.R. 52.21(o) as of November 29, 2005, the following requirements shall also apply:</p> <p>(1) <u>If</u> air quality impact analyses required under this part indicate that the issuance of a permit for any major source or for any major modification would result in the consumption of more than fifty percent (50%) of any available annual increment or eighty percent (80%) of any short-term increment, the person applying</p>	

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<p>modification would result in the consumption of more than fifty percent (50%) of any available annual increment or eighty percent (80%) of any short term increment, the person applying for such a permit shall submit to the Department an assessment of the following factors:</p> <p>(a) Effects that the proposed consumption would have upon the industrial and economic development within the area of the proposed source; and</p> <p>(b) Alternatives to <del>such</del> consumption, including alternative siting of the proposed source or portions thereof.</p> <p>(2) The assessment required under <del>subparagraph (1) above</del> shall be made part of the application for permit and shall be made available for public inspection as provided in 40 C.F.R. § 52.21(q) as of November 29, 2005.</p> <p>(3) The assessment required under <del>subparagraph (1) above</del> shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of increment consumed and the area affected.</p> <p>(4) The assessment required under <del>subparagraph (1) above</del> may be made effective <del>where</del> a proposed source would cause an increment consumption less than that specified in <del>said</del></p>	<p>for a permit shall submit to the Department an assessment of the following factors:</p> <p>(a) Effects that the proposed consumption would have upon the industrial and economic development within the area of the proposed source; and</p> <p>(b) Alternatives to <u>the</u> consumption, including alternative siting of the proposed source or portions thereof.</p> <p>(2) The assessment required under <u>Reg. 35.1103(C)(1)</u> shall be made part of the application for permit and shall be made available for public inspection as provided in 40 C.F.R. 52.21(q) as of November 29, 2005.</p> <p>(3) The assessment required under <u>Reg. 35.1103(C)(1)</u> shall be in detail commensurate with the degree of proposed increment consumption, both in terms of the percentage of increment consumed and the area affected.</p> <p>(4) The assessment required under <u>Reg. 35.1103(C)(1)</u> may be made effective <u>if</u> a proposed source would cause an increment consumption less than that specified in <u>Reg. 35.1103(C)(1)</u> if the Director finds that unusual circumstances exist in the area of the proposed source <u>that</u> warrant this assessment. The Director shall notify the applicant in</p>	

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<p><del>subparagraph</del> if the Director finds that unusual circumstances exist in the area of the proposed source <del>which</del> warrant such an assessment. The Director shall notify the applicant in writing of those circumstances <del>which</del> warrant <del>said</del> assessment. The Commission may rescind or modify the Director's action, upon a showing by the applicant that the circumstances alleged by the Director either do not exist or do not warrant <del>the aforementioned</del> assessment.</p> <p>(D) In addition to the requirements of 40 C.F.R. § 52.21(p)(1) as of October 20, 2010, the following requirements shall also apply:</p> <p>Impacts on mandatory Class I federal areas include impacts on visibility. The preliminary determination that a source may affect air quality or visibility in a mandatory Class I federal area <del>shall be made by the Department</del>, based on screening criteria agreed upon by the Department and the Federal Land Manager.</p> <p>(E) In all instances wherein <del>the aforesaid</del> 40 C.F.R. § 51.301 and 40 C.F.R. § 52.21 refer to the Administrator or the <del>Environmental Protection Agency</del>, the reference, for the purposes of <del>paragraph (A) of Reg. 19.904</del>, shall <del>be deemed to</del> mean the <del>Arkansas</del> Department of <del>Environmental Quality</del>, unless the context plainly dictates otherwise, except in the following sections:</p> <p>(1) Exclusion from increment consumption: 40 C.F.R. §§ 52.21(f)(1)(v), (f)(3), and</p>	<p>writing of those circumstances <del>that</del> warrant <del>this</del> assessment. The <u>Arkansas Pollution Control and Ecology Commission</u> may rescind or modify the Director's action, upon a showing by the applicant that the circumstances alleged by the Director either do not exist or do not warrant <del>this</del> assessment.</p> <p>(D) In addition to the requirements of 40 C.F.R. 52.21(p)(1) as of October 20, 2010, the following requirements shall also apply:</p> <p>Impacts on mandatory Class I federal areas include impacts on visibility. <u>The Department shall make</u> the preliminary determination that a source may affect air quality or visibility in a mandatory Class I federal area based on screening criteria agreed upon by the Department and the Federal Land Manager.</p> <p>(E) In all instances wherein 40 C.F.R. 51.301 and 40 C.F.R. 52.21 refer to the Administrator or the <u>EPA</u>, the reference, for the purposes of <u>Reg. 35.1103(A)</u>, shall mean the Department, unless the context plainly dictates otherwise, except in the following sections:</p> <p>(1) Exclusion from increment consumption: 40 C.F.R. 52.21(f)(1)(v), (f)(3), and (f)(4)(I);</p> <p>(2) Redesignation: 40 C.F.R. 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6); and</p> <p>(3) Air quality models: 40 C.F.R. 52.21(l)(2).</p> <p>(F) Redesignation of air quality areas in Arkansas</p>	

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<p>(f)(4)(I);</p> <p>(2) Redesignation: 40 C.F.R. §§ 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6);</p> <p>(3) Air quality models: 40 C.F.R. § 52.21(1)(2).</p> <p>(F) Redesignation of air quality areas in Arkansas shall comply with Ark. Code Ann.§ 8-3-101 <i>et seq.</i></p> <p>(G) For the purpose of the regulation of GHGs, only the standards and requirements promulgated by EPA as of June 3, 2010, related to the permitting of GHG emissions shall apply to the requirements of 40 C.F.R. § 52.21, as of November 29, 2005, incorporated by reference at <a href="#">Reg.19.904(A)</a>. The following definitions and requirements shall also apply:</p> <p>(1) <del>“Greenhouse gases” (GHGs) means the air pollutant defined as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride,</del> shall not be subject to regulation except as provided in <del>Reg. 19.904(G)(4) through Reg.19.904(G)(5), and</del> shall not be subject to regulation if the stationary source:</p> <p>(a) Maintains its total source-wide emissions below the GHG plantwide applicability limitations <del>(hereinafter “PAL”)</del> level;</p>	<p>shall comply with Ark. Code Ann. §§ 8-3-101, et seq.</p> <p>(G) For the purpose of the regulation of GHG, only the standards and requirements promulgated by EPA as of June 3, 2010, related to the permitting of GHG emissions shall apply to the requirements of 40 C.F.R. 52.21, as of November 29, 2005, incorporated by reference at <a href="#">Reg. 35.1103(A)</a>. The following requirements shall also apply:</p> <p>(1) GHG shall not be subject to regulation except as provided in <a href="#">Reg. 35.1603(G)(3)</a>, and shall not be subject to regulation if the stationary source:</p> <p>(a) Maintains its total source-wide emissions below the GHG plantwide applicability limitation level;</p> <p>(b) Meets the requirements in 40 C.F.R 52.21(aa)(1) through (15) as outlined in Reg. 35.1603(A)(1); and</p> <p>(c) Complies with the <a href="#">plantwide applicability limitation</a> permit containing the GHG <a href="#">plantwide applicability limitation</a>.</p> <p>(2) The term “emissions increase” as used in <a href="#">Reg. 35.1603(G)(3)</a> shall mean that both a significant emissions increase (as calculated using the procedures in 40 C.F.R. 52.21(a)(2)(iv), as of November 29, 2005), and a significant net emissions increase (as defined in 40 C.F.R. 52.21(b)(3), as of November 29, 2005,</p>	

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<p>(b) Meets the requirements in 40 § C.F.R. 52.21(aa)(1) through 40 C.F.R. § 52.21(aa)(15) as outlined in <del>Reg. 19.904(A)(1)</del>; and</p> <p>(c) Complies with the <del>PAL</del> permit containing the GHG <del>PAL</del>.</p> <p>(2) <del>For purposes of Reg. 19.904(G)(3) through Reg.19.904(G)(5):</del></p> <p><del>(a) The term tons per year (tpy) “CO<sub>2</sub> equivalent emissions” (CO<sub>2</sub>e) shall represent an amount of GHGs emitted, and shall be computed as follows:</del></p> <p><del>(i) Multiplying the mass amount of emissions in tpy, for each of the six greenhouse gases in the pollutant GHGs, by each gas’s associated global warming potential published at Table A-1 to Subpart A of 40 C.F.R. Part 98 Global Warming Potentials (as of the effective date of the federal final rule published by EPA in the Federal Register on November 29, 2013 [78 FR 71948]); and</del></p> <p><del>(ii) Sum the resultant values from Reg. 19.904(G)(2)(a) for each gas to compute a</del></p>	<p>and 40 C.F.R. 52.21(b)(23), as of November 29, 2005), occur. For GHG, an emissions increase shall be based on <u>tons per year</u> CO<sub>2</sub>e, and “significant” is defined as <u>seventy-five thousand (75,000) tons per year</u> CO<sub>2</sub>e instead of applying the value in 40 C.F.R. 52.21(b)(23)(ii), as of November 29, 2005.</p> <p>(3) Beginning January 2, 2011, GHG is subject to regulation if:</p> <p>(a) The stationary source is a new major source for a regulated NSR pollutant that is not GHG, and also will emit or will have the potential to emit GHG at <u>seventy-five thousand (75,000) tons per year</u> CO<sub>2</sub>e or more; or</p> <p>(b) The stationary source is an existing major source for a regulated NSR pollutant that is not GHG, and also will have a significant emissions increase of a regulated NSR pollutant, and an emissions increase of GHG of <u>seventy-five thousand (75,000) tons per year</u> CO<sub>2</sub>e or more.</p>	

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<p style="text-align: center;"><del>tpy</del> CO<sub>2</sub>e.</p> <p>(3) The term “emissions increase” as used in <del>Reg. 19.904(G)(4) through Reg. 19.904(G)(5)</del> shall mean that both a significant emissions increase (as calculated using the procedures in 40 C.F.R. § 52.21(a)(2)(iv), as of November 29, 2005), and a significant net emissions increase (as defined in 40 C.F.R. § 52.21(b)(3), as of November 29, 2005, and 40 C.F.R. § 52.21(b)(23), as of November 29, 2005), occur. For the <del>pollutant</del>GHGs, an emissions increase shall be based on <del>tpy</del> CO<sub>2</sub>e, and <del>shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant,</del> and “significant” is defined as 75,000 <del>tpy</del> CO<sub>2</sub>e instead of applying the value in 40 C.F.R. <del>§ 52.21(b)(23)(ii)</del>, as of November 29, 2005.</p> <p>(4) Beginning January 2, 2011, <del>the pollutant</del> GHGs is subject to regulation if:</p> <p>(a) The stationary source is a new major stationary source for a regulated NSR pollutant that is not GHGs, and also will emit or will have the potential to emit GHGs at 75,000 <del>tpy</del> CO<sub>2</sub>e or more; or</p> <p>(b) The stationary source is an existing major stationary source for a regulated NSR pollutant that is not GHGs, and also will have an emissions increase of a regulated NSR pollutant, and an emissions</p>		

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<p>increase of GHGs of 75,000 tpy CO<sub>2</sub>e or more.</p> <p><del>(5) Beginning July 1, 2011, in addition to the provisions in Reg.19.904(G)(4) of this section, the pollutant GHGs shall also be subject to regulation:</del></p> <p><del>(a) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO<sub>2</sub>e or more; or</del></p> <p><del>(b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO<sub>2</sub>e or more, when such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of 75,000 tpy CO<sub>2</sub>e or more.</del></p>		

**Regulation No. 19, Chapter 10 is not included in Regulation No. 35. ADEQ is preparing a technical support document that justifies why this Chapter can be withdrawn from the SIP and repealed from Arkansas regs.**

**Regulation No. 19, Chapter 11**

Previous Citation	New Citation	Comments
<p>Facilities subject to <del>Arkansas Pollution Control and Ecology Commission's Regulation 26, Regulations of the Arkansas Operating Air Permit Program, (Regulation 26)</del> shall be required to have their permit applications processed in accordance with the procedures contained in <del>Regulation 26</del> which are hereby incorporated by reference.</p>	<p><b>Reg. 35.1014 Part 70 Source Permitting Procedures</b></p> <p><u>The Department shall process</u> permit applications for <u>stationary sources</u> subject to <u>Chapter 12 of this Regulation</u> in accordance with the procedures contained in <u>Chapter 12</u>, which are hereby incorporated by reference.</p>	

**Regulation No. 19, Chapter 12 is reserved and therefore not included in Regulation No. 35.**



## Regulation No. 19, Chapter 13

This Chapter was moved into the nonattainment chapter in Regulation No. 35 as a subchapter. It has been modified to provide more clear expectations regarding requirements and enforceability and to make it consistent with NESHAP CCCCCC.

Previous Citation	New Citation	Comments
<p><b>Reg. 19.1301 Purpose</b></p> <p>The purpose of this chapter is to limit emissions of <u>VOC</u> from gasoline stored in stationary dispensing tanks and from gasoline delivered into <del>such</del> tanks.</p>	<p><b>Reg. 35.13.301 Purpose</b></p> <p>The purpose of this <u>Subchapter</u> is to limit emissions of <u>volatile organic compounds</u> from gasoline stored in stationary dispensing tanks and from gasoline delivered into <u>these</u> tanks.</p>	
<p><b>Reg. 19.1302 Applicability</b></p> <p>This <del>rule</del> applies to all gasoline dispensing facilities <del>and gasoline service stations</del> and to delivery vessels delivering gasoline to a gasoline dispensing facility <del>or gasoline service station</del> in a nonattainment area; and this <del>rule</del> applies to all persons owning or operating a <del>gasoline distribution facility or gasoline service station</del> in a nonattainment area.</p>	<p><b>Reg. 35.13.302 Applicability</b></p> <p>This <u>Subchapter</u> applies to all gasoline dispensing facilities and to delivery vessels delivering gasoline to a gasoline dispensing facility in <u>an ozone</u> nonattainment area; and this <u>Subchapter</u> applies to all persons owning or operating a <u>gasoline dispensing facility</u> in <u>an ozone</u> nonattainment area.</p>	
<p><b>Reg. 19.1303 Definitions</b></p> <p>(A) <del>“Coaxial system” means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tanks occurs through a single coaxial fill tube, which is a tube within a tube. Product is delivered through the inner tube, and vapor is recovered through the annular space between the walls of the inner tube and outer tube.</del></p> <p><del>(B)</del> “Delivery vessel” means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing</p>	<p><b>Reg. 35.13.303 Definitions</b></p> <p><u>For the purposes of this Subchapter:</u></p> <p>(A) <b>“Control of a corporation”</b> means ownership of more than fifty percent (50%) of its stock.</p> <p>(B) <b>“Dual point system”</b> means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tank occurs through two (2) separate openings in the storage tank and two (2) separate hoses between the tank truck and the stationary storage tank.</p> <p>(C) <b>“Gasoline”</b> means any petroleum distillate or blend of petroleum distillates with other</p>	<p>Inserted “control of corporation” definition from NESHAP CCCCCC</p> <p>Replaced term “delivery vessel” with “gasoline delivery vessel”</p> <p>The term “gasoline service station” was removed because the definition was identical to that of gasoline dispensing facility.</p> <p>Split the term refiner from the definition of independent</p>

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<p>facilities.</p> <p>(C) “Dual point system” means the delivery of the product to the stationary storage tank and the recovery of vapors from the stationary storage tank occurs through two separate openings in the storage tank and two separate hoses between the tank truck and the stationary storage tank.</p> <p>(D) “Gasoline” means any petroleum distillate or blend of petroleum distillates with other combustible liquids that is used as a fuel for internal combustion engines and has a Reid vapor pressure of 4.0 psi or greater. This does not include diesel fuel or liquefied petroleum gas (LPG).</p> <p>(E) “Gasoline dispensing facility” means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.</p> <p><del>(F) “Gasoline service station” means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.</del></p> <p>(G) “Independent small business marketer” means a person engaged in the marketing of gasoline unless such person:</p> <p>(1) (a) is a refiner, or</p> <p>(b) controls, is controlled by, or is under common control with, a refiner, or</p> <p>(c) is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control</p>	<p>combustible liquids that is used as a fuel for internal combustion engines and has a Reid vapor pressure of <u>four (4)</u> psi or greater. This does not include diesel fuel or liquefied petroleum gas.</p> <p>(D) <b>“Gasoline delivery vessel”</b> means tank trucks or trailers equipped with a storage tank and used for the transport of gasoline from sources of supply to stationary storage tanks of gasoline dispensing facilities.</p> <p>(E) <b>“Gasoline dispensing facility” or “GDF”</b> means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.</p> <p>(F) <b>“Independent small business marketer”</b> means a person engaged in the marketing of gasoline unless <u>the</u> person:</p> <p>(1) Is a refiner;</p> <p>(2) Controls, is controlled by, or is under common control with, a refiner;</p> <p>(3) Is otherwise directly or indirectly affiliated with a refiner or with a person who controls, is controlled by, or is under common control with a refiner, unless the sole affiliation referred to is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by the refiner or any person; or</p> <p>(4) Receives less than <u>fifty percent (50%)</u> of his or her annual income from refining or</p>	<p>small business marketer.</p> <p>The term nonattainment area is now “ozone nonattainment area”</p> <p>Removed requirements for submerged fill pipe for tanks that do not have a vapory recovery adaptor. The capacity exemption for storage tanks in Reg. 19.1304 was revised such that tanks with capacities between 250 and 550 gallons could no longer claim an exemption if they have a submerged fill pipe because such tanks are not exempt under the NESHAP. Therefore, the submerged fill pipe specifications located at Reg. 19.1303(O)(1) for tanks without a stage 1 vapor recovery adaptor 9 exempt tanks) is no longer applicable.</p> <p>The definition of “vapor tight” was revised for consistency with NESHAP CCCCCC.</p> <p>Definition of throughput revised for consistency with NESHAP CCCCCC.</p> <p>The following terms that are</p>

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<p>with a refiner, unless the sole affiliation referred to is by means of a supply contract or an agreement or contract to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner or any such person; or</p> <p>(2) receives less than 50 percent of his or her annual income from refining or marketing of gasoline.</p> <p><del>(3) For purposes of this regulation, the term “refiner” shall not include any refiner whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, such refiner) does not exceed 65,000 barrels per day. For purposes of this section, “control” of a corporation means ownership of more than 50 percent of its stock.</del></p> <p><del>(H) “Leak free” means a condition in which there is no liquid gasoline escape or seepage of more than three (3) drops per minute from gasoline storage, handling, and ancillary equipment, including, but not limited to, seepage and escapes from above ground fittings.</del></p> <p>(G) “Line” means any pipe suitable for transferring gasoline.</p> <p>(J) “Nonattainment area” means a county or counties designated by EPA as not meeting the <b>NAAQS</b> for ozone.</p>	<p>marketing of gasoline.</p> <p>(G) <b>“Line”</b> means any pipe suitable for transferring gasoline or recapturing vapor.</p> <p>(H) <b>“Operator”</b> means any person who leases, operates, controls, or supervises a facility <u>where</u> gasoline is dispensed.</p> <p>(I) <b>“Owner”</b> means any person who has legal or equitable title to the gasoline storage tank at a facility.</p> <p>(J) <b>“Ozone nonattainment area”</b> means a county or counties designated by EPA as not meeting the <u>national ambient air quality standard</u> for ozone.</p> <p>(K) <b>“Poppeted vapor recovery adaptor”</b> means a vapor recovery adaptor that automatically and immediately closes itself <u>if</u> the vapor return line is disconnected and maintains a tight seal <u>if</u> the vapor return line is not connected.</p> <p>(L) <b>“Refiner”</b> means <u>any person whose total refinery capacity (including the refinery capacity of any person who controls, is controlled by, or is under common control with, the refiner) exceeds sixty-five thousand (65,000) barrels per day.</u></p> <p>(M) <b>“Stationary storage tank”</b> means a gasoline storage container that is a permanent fixture.</p> <p>(N) <b>“Submerged fill pipe”</b> means any fill pipe with a discharge opening <u>that</u> is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid, or <u>that</u> is entirely submerged when the level of the liquid is twelve <u>(12)</u> inches above the bottom</p>	<p>not used outside their own definition have been deleted: “Leak Free” and “Coaxial System”</p>

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<p><del>(K)</del> “Operator” means any person who leases, operates, controls, or supervises a facility <del>at which</del> gasoline is dispensed.</p> <p><del>(L)</del> “Owner” means any person who has legal or equitable title to the gasoline storage tank at a facility.</p> <p><del>(M)</del> “Poppeted vapor recovery adaptor” means a vapor recovery adaptor that automatically and immediately closes itself <del>when</del> the vapor return line is disconnected and maintains a tight seal <del>when</del> the vapor return line is not connected.</p> <p><del>(N)</del> “Stationary storage tank” means a gasoline storage container that is a permanent fixture.</p> <p><del>(O)</del> “Submerged fill pipe” means any fill pipe with a discharge opening <del>which</del> is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid, or <del>which</del> is entirely submerged when the level of the liquid is:</p> <p><del>(1) Six inches above the bottom of the tank if the tank does not have a vapor recovery adaptor; or</del></p> <p>(A) Twelve inches above the bottom of the tank if the tank has a vapor recovery adaptor. If the opening of the submerged fill pipe is cut at a slant, the distance is measured from the top of the slanted cut to the bottom of the tank.</p> <p><del>(P)</del> “Throughput” means the amount of gasoline dispensed <del>at a facility</del>.</p> <p><del>(Q)</del> “Vapor tight” means a condition <del>in which</del> an</p>	<p>of the tank if the tank has a vapor recovery adaptor. If the opening of the submerged fill pipe is cut at a slant, the distance is measured from the top of the slanted cut to the bottom of the tank.</p> <p><u>(O)</u> “<b>Throughput</b>” means the total volume of gasoline <u>that is loaded into, or dispensed from, all gasoline storage tanks at each GDF during a month.</u></p> <p><u>(P)</u> “<b>Vapor tight</b>” means a condition <u>where</u> an organic vapor analyzer or a combustible gas detector at a potential <u>volatile organic compounds</u> leak source shows less than <u>ten thousand (10,000) ppm when corrected to gasoline vapor concentration, or less than one hundred percent (100%)</u> of the lower explosive limit when calibrated and operated according to the manufacturer’s specifications.</p>	

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<p>organic vapor analyzer or a combustible gas detector at a potential <del>VOC</del> leak source shows either less than 10,000 ppm when calibrated with methane, or less than 20% of the lower explosive limit when calibrated and operated according to the manufacturer's specifications.</p>		
<p><b>Reg. 19.1304 Exemptions</b></p> <p>This <del>rule</del> does not apply to:</p> <p>(A) Transfers made to storage tanks at gasoline dispensing facilities <del>or gasoline service stations</del> equipped with floating roofs or their equivalent.</p> <p>(B) Stationary storage tanks with a capacity of not more than 550 gallons, <del>if the tanks are equipped with a submerged fill pipe.</del></p> <p>(C) Stationary storage tanks used exclusively for the fueling of implements of normal farm operations.</p> <p>(D) Facilities <del>selling</del> less than 10,000 gallons of gasoline per month.</p> <p>(E) Independent small business marketers of gasoline selling less than 50,000 gallons per month.</p> <p>(F) Any other facility or use exempted by state or federal statute.</p>	<p><b>Reg. 35.13.304 Exemptions</b></p> <p>(A) This <u>Subchapter</u> does not apply to:</p> <p>(1) Transfers made to storage tanks at gasoline dispensing facilities equipped with floating roofs or their equivalent;</p> <p>(2) Stationary storage tanks with a capacity of not more than <u>two hundred fifty (250) gallons</u>;</p> <p>(3) Stationary storage tanks used exclusively for the fueling of implements of normal farm operations;</p> <p>(4) Facilities with a throughput of less than <u>ten thousand (10,000) gallons</u> of gasoline;</p> <p>(5) Independent small business marketers of gasoline dispensing less than <u>fifty thousand (50,000) gallons</u> per month;</p> <p>(6) Any other facility or use exempted by <u>State</u> or federal statute.</p> <p>(B) <u>If the owner or operator claims any exemption for a facility subject to this Subchapter, the owner or operator of the facility shall:</u></p> <p>(1) <u>Maintain appropriate records on site</u></p>	<p>Process for claiming an exemption added.</p> <p>Exemptions revised to address conflicts with NESHAP CCCCCC</p>

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	<p><u>showing that the requirements for the exemption have been met;</u></p> <p><u>(2) Update records by the fifteenth (15th) day of the month following the month to which the records pertain. These records shall be provided to Departmental personnel upon request and may be used by the Department for enforcement purposes; and</u></p> <p><u>(3) Notify the Department in writing of the claim of exemption and provide written record on forms as the Department may require showing the requirements for the exemption have been met.</u></p>	
<p><b>Reg. 19.1305 Prohibited Activities</b></p> <p><del>No</del> person may cause, allow or permit the transfer of gasoline from any delivery vessel into any stationary storage tank unless <del>such</del> transfer complies with the following requirements:</p> <p>(A) The stationary storage tank is equipped with a submerged fill pipe and the vapors displaced from the tank during filling are controlled by a vapor control system as described herein;</p> <p>(B) The vapor control system is in good working order and is connected and operating with a vapor tight connection;</p> <p>(C) The vapor control system is properly maintained and any damaged or malfunctioning components or elements of design have been repaired, replaced or modified;</p> <p>(D) Gauges, meters, or other specified testing devices</p>	<p><b>Reg. 35.13.305 Prohibited Activities</b></p> <p>A person shall not cause, allow, or permit the transfer of gasoline from any gasoline delivery vessel into any stationary storage tank <u>or allow the operation of a gasoline dispensing facility</u> unless the transfer <u>or operation</u> complies with the following requirements:</p> <p>(A) The stationary storage tank is equipped with a submerged fill pipe and the vapors displaced from the tank during filling are controlled by a vapor control system as described herein;</p> <p>(B) The vapor control system is in good working order <u>based upon manufacturer's specifications</u> and is connected and operating with vapor tight connections;</p> <p>(C) The vapor control system is properly maintained and any damaged or malfunctioning components or elements of design have been repaired,</p>	<p>Added requirements to clarify what is meant by good working order and what needs to be tested</p>

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<p>are maintained in proper working order;</p> <p>(E) All loading lines and vapor lines of delivery vessels and vapor collection systems are equipped with fittings <del>which</del> are leak tight and vapor tight;</p> <p>(F) All hatches on the delivery vessel are kept closed and securely fastened; and</p> <p>(G) The stationary storage tank has been tested, no less than annually, on a schedule acceptable to the Director according to the test methods required herein.</p>	<p>replaced, or modified;</p> <p>(D) All gauges, meters, or other specified testing devices on the gasoline delivery vessel and the gasoline storage tank are maintained in proper working order;</p> <p>(E) All loading lines and vapor lines of gasoline delivery vessels and vapor collection systems are equipped with fittings <u>that</u> are leak tight and vapor tight;</p> <p><u>(F) All hatches on the gasoline delivery vessel are kept closed and securely fastened; and</u></p> <p>(G) The stationary storage tank <u>and vapor control system</u> has been tested, no less than annually, on a schedule acceptable to the Director according to the test methods required herein.</p>	
<p><b>Reg. 19.1306 Record Keeping</b></p> <p>The following records <del>shall be maintained</del> for not less than <del>two (2)</del> years and <del>the same</del> shall be made available for inspection by the Department:</p> <p>(A) <del>The scheduled date for</del> maintenance and testing, and the date that a malfunction was detected;</p> <p>(B) <del>The date the maintenance and testing was performed or the malfunction corrected; and</del></p> <p>(C) The date the component or element of design of the control system was repaired, replaced, or modified.</p> <p>(D) Monthly totals of gallons of gasoline sold by the facility.</p>	<p><b>Reg. 35.13.306 Recordkeeping</b></p> <p><u>The owner or operator shall maintain</u> the following records for not less than <u>five (5)</u> years and shall be made available for inspection by the Department:</p> <p>(A) <u>Records of the occurrence of any</u> maintenance and testing <u>including the scheduled date and actual date that maintenance or testing was performed;</u></p> <p>(B) <u>Records of the occurrence and duration of each malfunction of operation;</u></p> <p>(C) <u>Records of actions taken during periods of malfunction to minimize emissions, including corrective actions to restore malfunction process and air pollution control and monitoring equipment to its normal or usual manner of</u></p>	<p>Revised recordkeeping requirements for clarity and changed requirement for record monthly totals of “gasoline sold” to “gasoline throughput” for NESHAP CCCCC.</p>

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	<p style="text-align: center;"><u>operation; and</u></p> <p>(D) <u>Records of</u> monthly totals of gasoline throughput for the facility.</p>	
<p><b>Reg. 19.1307 Inspections</b></p> <p>(A) The premises of any gasoline dispensing facility <del>or gasoline service station</del> shall be available for inspection by representatives of the Department.</p> <p>(B) The process of transfer of gasoline from any delivery vessel into any stationary storage tank shall be subject to observation and inspection by representatives of the Department.</p>	<p><b>Reg. 35.13.307 Inspection</b></p> <p>(A) The premises of any gasoline dispensing facility shall be available for inspection by representatives of the Department.</p> <p>(B) The process of transfer of gasoline from any gasoline delivery vessel into any stationary storage tank shall be subject to observation by representatives of the Department.</p>	
<p><b>Reg. 19.1308 Vapor Recovery Systems</b></p> <p>(A) The vapor control system required by <del>Reg. 19.1305 of this rule</del> shall include one or more of the following:</p> <ol style="list-style-type: none"> <li>(1) A vapor-tight line from the stationary storage tank to the delivery vessel and: <ol style="list-style-type: none"> <li>(a) For a coaxial vapor recovery system, either a poppeted or unpoppeted vapor recovery adaptor;</li> <li>(b) For a dual point vapor recovery system, a poppeted vapor recovery adaptor;</li> </ol> </li> <li>(2) A refrigeration-condensation system or equivalent designed to recover or destroy at least 90 percent by weight of the organic compounds in the displaced</li> </ol>	<p><b>Reg. 35.13.308 Vapor Recovery Systems</b></p> <p>(A) The vapor control system required by <u>Reg. 13.13.305</u> shall include one or more of the following:</p> <ol style="list-style-type: none"> <li>(1) A vapor-tight line from the stationary storage tank to the <u>gasoline</u> delivery vessel;</li> <li>(2) For a coaxial vapor recovery system, either a poppeted or unpoppeted vapor recovery adaptor;</li> <li>(3) For a dual point vapor recovery system, a poppeted vapor recovery adaptor;</li> <li>(4) A refrigeration-condensation system or equivalent designed to recover or destroy at least <u>ninety percent (90%)</u> by weight of the organic compounds in the displaced</li> </ol>	<p>Added requirements to cover all vapor recovery adaptors except when connecting or disconnecting the return line to ensure that adaptors are protected.</p> <p>Added that vent lines must be properly maintained.</p>

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<p style="text-align: center;">vapor.</p> <p>(B) <del>If an unpoppeted vapor recovery adaptor is used, the tank liquid fill connection</del> shall remain covered either with a vapor-tight cap or a vapor return line except when the vapor return line is being connected or disconnected.</p> <p>(C) If an unpoppeted vapor recovery adaptor is used, the unpoppeted vapor recovery adaptor shall be replaced with a poppeted vapor recovery adaptor when the tank is replaced or upgraded.</p> <p>(D) Where vapor lines from the storage tanks are manifolded, poppeted vapor recovery adapters shall be used. No more than one tank is to be loaded at a time if the manifold vapor lines have a nominal pipe size of less than three (3) inches. If the manifold vapor lines have a nominal pipe size of three (3) inches or larger, then two tanks at a time may be loaded.</p> <p>(E) Vent lines on stationary storage tanks shall have pressure release valves or restrictors.</p>	<p style="text-align: center;">vapor.</p> <p>(B) <u>All vapor recovery adaptors, poppeted or unpoppeted,</u> shall remain covered with a vapor tight cap or a vapor return line except if the vapor return line is being connected or disconnected.</p> <p>(C) If an unpoppeted vapor recovery adaptor is used, the unpoppeted vapor recovery adaptor shall be replaced with a poppeted vapor recovery adaptor if the tank is replaced or upgraded.</p> <p>(D) Where vapor lines from the storage tanks are manifolded, poppeted vapor recovery adaptors shall be used. No more than one <u>(1)</u> tank is to be loaded at a time if the manifold vapor lines have a nominal pipe size of less than three (3) inches. If the manifold vapor lines have a nominal pipe size of three (3) inches or larger, then two <u>(2)</u> tanks at a time may be loaded.</p> <p>(E) Vent lines on stationary storage tanks shall have <u>properly maintained</u> pressure-release valves or restrictors.</p>	
<p><b>Reg. 19.1309 Gasoline Delivery Vessels</b></p> <p>(A) Gasoline delivery vessels shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport.</p> <p>(B) Gasoline delivery vessels shall be tested, no less than annually, on a schedule acceptable to the Director according to the test methods required herein.</p>	<p><b>Reg. 35.13.309 Gasoline Delivery Vessels</b></p> <p>(A) Gasoline delivery vessels shall be designed and maintained to be vapor tight during loading and unloading operations and during transport.</p> <p>(B) Gasoline delivery vessels shall be tested, no less than annually, on a schedule acceptable to the Director according to the test methods required herein.</p> <p>(C) Gasoline vessels shall sustain a pressure change of no more than <u>seven hundred fifty (750)</u> pascals</p>	<p>Information about the test method for testing pressure added and requirement for the pressure test to be documented added.</p>

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<p>(C) Gasoline delivery vessels shall sustain a pressure change of no more than 750 pascals (3 <del>in. of H<sub>2</sub>O</del>) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 <del>in. of H<sub>2</sub>O</del>) or evacuated to a gauge pressure of 1,500 pascals (6 <del>in. of H<sub>2</sub>O</del>) during testing.</p>	<p>(<del>three [3] inches of water</del>) in five (<del>5</del>) minutes when pressuring to a gauge pressure <del>of four thousand five hundred (4,500) pascals (eighteen [18] inches of water)</del> or evacuated to a gauge pressure of <del>one thousand five hundred (1,500) pascals (six [6] inches of water)</del> during testing. <u>This capacity is to be demonstrated using the pressure test specified in EPA Test Method 27. The owner or operator shall provide documentation of pressure test compliance to the Department upon request.</u></p>	
<p><b>Reg. 19.1310 Owner/Operator Responsibility</b></p> <p>(A) It shall be the responsibility of owners and operators of gasoline dispensing facilities <del>and gasoline service stations</del> to assure compliance with this <del>rule</del> and to disallow the transfer from any delivery vessel that does not comply with those requirements of this <del>rule</del> applicable to delivery vessels.</p> <p><del>(B) It shall be the responsibility of owners, operators and drivers of delivery vessels to assure compliance with this rule and to refuse to transfer from any delivery vessel that does not comply with those requirements of this rule applicable to delivery vessels.</del></p> <p>(C) It shall be the responsibility of owners and operators of gasoline dispensing facilities and gasoline service stations to properly maintain, repair, replace, modify, and test the vapor recovery system components of stationary storage</p>	<p><b>Reg. 35.13.310 Owner <u>or</u> Operator Responsibility</b></p> <p>(A) It shall be the responsibility of owners and operators of gasoline dispensing facilities to assure compliance with this <del>Chapter</del> and to disallow the transfer of gasoline from any gasoline delivery vessel that does not comply with those requirements of this <del>Chapter</del> applicable to <del>gasoline</del> delivery vessels.</p> <p>(B) It shall be the responsibility of owners and operators of gasoline dispensing facilities to properly maintain, repair, replace, modify, and test the vapor recovery system components of all stationary storage tanks regulated herein.</p> <p><u>(C) It shall be the responsibility of owners and operators of gasoline dispensing facilities to submit compliance test results of the vapor recovery system volatile organic compounds leak detection test to the Department on forms as the</u></p>	<p>Removed Reg. 19.1310(B) because it is substantively redundant with Reg. 19.1310(A).</p> <p>Added a requirement for the owner and operator to submit the results from the compliance tests that are already required under Reg. 19.1310(C) and Reg. 19.1311.</p> <p>Added a requirement for the owners and operators to notify the Department if they have to retest.</p> <p>Added information about how to submit notifications and the flexibility to request</p>

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<p>tanks regulated herein.</p> <p>(D) It shall be the responsibility of owners and operators of gasoline dispensing facilities, <del>gasoline service stations, and gasoline delivery vehicles</del> to repair and retest equipment within (15) days of a <del>test that exceeds the limitations set forth herein.</del></p>	<p><u>Department may require.</u></p> <p>(D) It shall be the responsibility of owners and operators of gasoline dispensing facilities to repair and retest vapor recovery system equipment within fifteen (15) days of a <u>failed vapor recovery system volatile organic compound leak detection test as set forth in Reg. 35.1111.</u></p> <p><u>(E) The owners or operators shall send a retest notification to the Department to be received no later than five (5) days prior to the retest.</u></p> <p><u>(G) If the ability to perform the retest will require longer than fifteen (15) days, the owners or operators are required to submit a request for an extension (not to exceed fifteen [15] days) to repair and to perform the test, indicating why repairs will not be made within the prescribed time frame. The request for extension will not be considered approved until a notification of acceptance is returned.</u></p> <p><u>(H) The owner or operator shall submit volatile organic compound leak detection compliance test scheduling, compliance test results, and compliance retest notifications to the Department via electronic submittal, U.S. Postal Service, commercial delivery service, or by hand delivery.</u></p>	<p>an extension for retesting.</p>
<p><b>Reg. 19.1311 Test Methods</b></p> <p>(A) <u>Test method for leak detection:</u></p> <p><del>(1) Within four (4) hours prior to monitoring, the organic vapor analyzer or combustible gas detector shall be suitably calibrated in a manner and with the gas specified by</del></p>	<p><b>Reg. 35.13.311 Test Methods</b></p> <p>(A) <u>Owners or operators of facilities affected by this Subchapter shall carry out leak detection testing no less than annually in accordance with EPA Test Method 21.</u></p> <p><u>(1) The detection instrument shall meet the</u></p>	<p>Test method changed to quantify control of vapors rather than using test methods more appropriate for combustion of gasoline.</p> <p>Testing time frames clarified.</p>

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<p><del>the manufacturer for 20% of the lower explosive limit response, or calibrated with methane for a 10,000 ppm response.</del></p> <p><del>(2) The probe inlet shall be 2.5 centimeters or less from the potential leak source when searching for leaks.</del></p> <p><del>(3) The highest detector reading and location for each incident of detected leakage shall be recorded, along with the date, time and name of the person performing the testing. If no gasoline vapor is detected, that fact shall be recorded.</del></p> <p><del>(B) Control efficiency of vapor recovery systems and vapor collection/processing systems shall be determined according to EPA Method 2A and either EPA Method 25A or 25B. EPA Method 2B shall be used for vapor incineration devices.</del></p> <p><del>(C) Vapor pressure of gasoline shall be determined using American Society for Testing and Materials (ASTM) Method D323-94 or ASTM Method D4953-93. Method D323-94 shall be used for gasoline either containing no oxygenates or MTBE (methyl ethyl butyl ether) as the sole oxygenate. Method D-4953-93 shall be used for oxygenated gasoline.</del></p>	<p><u>performance criteria of EPA Test Method 21, "Determination of Volatile Organic Compound Leaks"; and</u></p> <p><u>(2) Calibration of gases shall be:</u></p> <p><u>(a) Zero air (less than ten [10] parts per million of hydrocarbon in air);</u></p> <p><u>(b) For a combustible gas detector, propane at a concentration of approximately, but less than, two and five-tenths percent (2.5%) by volume; and</u></p> <p><u>(c) For an organic vapor analyzer, isobutylene at a concentration of approximately, but less than, ten thousand (10,000) ppm.</u></p> <p><u>(B) Owners or operators of facilities affected by this Subchapter shall test any equipment as required by this Chapter within the following time frames:</u></p> <p><u>(1) Within sixty days of the effective date of a nonattainment designation;</u></p> <p><u>(2) No less than annually;</u></p> <p><u>(3) For new equipment or newly modified equipment within sixty (60) days of commencing operation; and</u></p> <p><u>(4) The owner or operator shall notify the Department of the scheduled date of compliance testing at least fifteen (15) days in advance of the test. The owner or operator shall submit the compliance test results to the Department within sixty (60)</u></p>	

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	<u>days after completing the testing.</u>	
<p><b>Reg. 19.1312 Effective Date</b></p> <p>(A) The requirements of this <del>rule</del> shall be effective within nonattainment areas one (1) year after the designation by EPA of an area as a nonattainment area.</p> <p>(B) In the case of an independent small business marketer with sales of 50,000 gallons or more per month, this <del>rule</del> shall be phased-in as follows:</p> <p>(1) <del>33</del> percent of facilities shall be in compliance at the end of the first year;</p> <p>(2) <del>66</del> percent at the end of the second year; and;</p> <p>(3) <del>100</del> percent at the end of the third year.</p>	<p><b>Reg. 35.13.312 Effective Date of this Subchapter</b></p> <p>(A) The requirements of this <u>Subchapter</u> shall be effective within <u>ozone</u> nonattainment areas one (1) year after the designation by EPA of an area as an <u>ozone</u> nonattainment area.</p> <p>(B) In the case of an independent small business marketer with <u>three (3) or more facilities and sales of fifty thousand (50,000) gallons or more per month</u>, this <u>Chapter</u> shall be phased-in as follows:</p> <p>(1) <u>Thirty-three</u> percent (<u>33%</u>) of facilities shall be in compliance at the end of the first year;</p> <p>(2) <u>Sixty-six</u> percent (<u>66%</u>) at the end of the second year; and</p> <p>(3) <u>One hundred</u> percent (<u>100%</u>) at the end of the third year.</p>	

## **Regulation No. 19, Chapter 14**

This Chapter is not being retained. The CAIR program has been vacated and replaced with the Cross-State Air Pollution Rule. 76 FR 48208.

## Regulation No. 19, Chapter 15

Most of the provisions in this chapter were either informational (no enforceable component) or disapproved by EPA. Reg. 19.1501, Reg. 19.1502, Reg. 19.1503, Reg. 19.1504(A), and Reg. 19.1507 are not being retained. Those enforceable provisions that were approved by EPA have been retained in a Chapter in Regulation No. 35.

Previous Citation	New Citation	Comments
<p><b>Reg. 19.1504 Facilities Subject-to-BART</b></p> <p>(B) Each source <del>subject to BART shall install and operate BART</del> as expeditiously as practicable, but in no event later than <del>6 years after the effective date of this regulation or</del> five (5) years after EPA approval of the Arkansas Regional Haze State Implementation Plan, <del>whichever comes first.</del></p> <p>(C) <del>Each source subject to BART shall maintain the control equipment required by this chapter and</del> establish procedures to ensure <del>such</del> equipment is properly operated and maintained.</p>	<p><b>Reg. 35.1402 Compliance Provisions</b></p> <p><u>The owner or operator of</u> each source subject to Reg. <u>35.1401 shall:</u></p> <p>(A) <u>Comply with the applicable emission limit</u> as expeditiously as practicable, but in no event later than five (5) years after EPA approval of the Arkansas Regional Haze State Implementation Plan;</p> <p>(B) Establish <u>and implement</u> procedures <u>to properly operate and maintain the control equipment necessary to comply with the applicable emission limits set forth in Reg. 35.1401; and</u></p> <p>(C) <u>Demonstrate compliance with the applicable limits listed in Reg. 35.1401 in accordance with the provisions of Chapter 7 of this Regulation.</u></p>	<p>Revised language. EPA approved these limits more than five years ago. Suggestions for making this retroactive since we are just transferring provisions to another regulation? Is a compliance date even needed since they are all existing limits at this point?</p>

Previous Citation	New Citation	Comments
<p><b>Reg. 19.1505 BART Requirements</b></p> <p>(A) <del>On or before the compliance date required under Reg. 19.1504(B), SWEPCO Flint Creek Power Plant, SN-01 shall comply with BART by meeting the following emission limits:</del></p> <p>(1) <del>0.15 pounds of sulfur dioxide (SO<sub>2</sub>) per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;</del></p> <p>(2) <del>0.23 pounds of nitrogen oxides (NO<sub>x</sub>) per million Btu of heat input (0.23 lb/MMBtu) on a 30-day rolling average; and</del></p> <p>(3) <del>The existing particulate matter emission limit satisfies the BART particulate matter requirement.</del></p> <p><del>(A) On or before the compliance date required under Reg. 19.1504(B), Arkansas Electric Cooperative Corporation Carl E. Bailey Generating Station, SN-01 shall comply with BART by burning fuel oil that has a 1% or less sulfur content by weight.</del></p> <p><del>(B) On or before the compliance date required under Reg. 19.1504(B), Arkansas Electric Cooperative Corporation John L. McClellan Generating Station, SN-01 shall comply with BART by burning fuel oil that has a 1% or less sulfur content by weight.</del></p> <p><del>(C) On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #1 Power Boiler, SN-03 shall</del></p>	<p><b>Reg. 35.1401 Best Available Retrofit Technology Emission Limits</b></p> <p>(A) <u>SWEPCO Flint Creek Power Plant (AFIN 04-00107) shall comply with best available retrofit technology requirements for particulate matter at SN-01 by meeting the existing permitted particulate matter emission limit as of October 15, 2007.</u></p> <p>(B) <u>Entergy Arkansas, Inc. White Bluff (AFIN 35-00110) shall comply with best available retrofit technology requirements for particulate matter at Unit 1 (SN-01) and Unit 2 (SN-02) by meeting existing permitted particulate matter emission limits for the respective units as of October 15, 2007.</u></p> <p>(C) <u>Entergy Arkansas, Inc. Lake Catherine (AFIN 30-00011) shall comply with best available retrofit technology requirements for particulate matter when burning natural gas at Unit 4 Boiler (SN-03) by meeting the existing permitted particulate matter emission limit as of October 15, 2007.</u></p> <p>(E) <u>Domtar Industries, Inc. Ashdown Mill (AFIN 41-00002) shall comply with best available retrofit technology requirements for particulate matter at Power Boiler No. 1 (SN-03) by meeting an emission limit of 0.07 pounds of PM<sub>10</sub> per million British thermal units of heat input (0.07 lb/MMBtu) on a thirty-day rolling average.</u></p>	<p>An as of date of October 15, 2007 was added for existing limits. This was the effective date for the 2007 rulemaking to adopt the Regional Haze Chapter into Regulation No. 19.</p> <p>Disapproved provisions were removed therefore approved provisions had to be restructured.</p>

Previous Citation	New Citation	Comments
<p><del>comply with BART by meeting the following emission limits:</del></p> <p><del>(1) 1.12 pounds of SO<sub>2</sub> per million Btu of heat input (1.12 lb/MMBtu) on a 30 day rolling average;</del></p> <p><del>(2) 0.46 pounds of NO<sub>x</sub> per million Btu of heat input (0.46 lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) 0.07 pounds of PM<sub>10</sub> per million Btu of heat input (0.07 lb/MMBtu) on a 30-day rolling average.</del></p> <p><del>(D) On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #2 Power Boiler, SN-05 shall comply with BART by meeting the following emission limits:</del></p> <p><del>(1) 1.20 pounds of SO<sub>2</sub> per million Btu of heat input (1.20 lb/MMBtu) on a 30 day rolling average;</del></p> <p><del>(2) 0.450 pounds of NO<sub>x</sub> per million Btu of heat input (0.450lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) 0.10 pounds of PM<sub>10</sub> per million Btu of heat input (0.10 lb/MMBtu) on a 30 day rolling average.</del></p> <p><del>(E) On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. – White Bluff, Unit 1 Boiler, SN-01 shall comply with BART by meeting the following emission limits</del></p>		

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<p><del>when burning bituminous coal:</del></p> <p><del>(1) 0.15 pounds of SO<sub>2</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average;</del></p> <p><del>(2) 0.28 pounds of NO<sub>x</sub> per million Btu of heat input (0.28 lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirement.</del></p> <p><del>(F) On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc.— White Bluff, Unit 1 Boiler, SN 01 shall comply with BART by meeting the following emission limits when burning sub-bituminous coal:</del></p> <p><del>(1) 0.15 pounds of SO<sub>2</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average;</del></p> <p><del>(2) 0.15 pounds of NO<sub>x</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.</del></p> <p><del>(G) When burning a mix of bituminous coal and sub-bituminous coal in the Unit 1 Boiler at Entergy Arkansas, Inc.— White Bluff the NO<sub>x</sub> BART limits shall be prorated using the percentage of</del></p>		

Previous Citation	New Citation	Comments
<p><del>each of coal being burned.</del></p> <p><del>(H) — On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc.— White Bluff, Unit 2 Boiler, SN-02 shall comply with BART by meeting the following emission limits when burning bituminous coal:</del></p> <p><del>(1) — 0.15 pounds of SO<sub>2</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average;</del></p> <p><del>(2) — 0.28 pounds of NO<sub>x</sub> per million Btu of heat input (0.28 lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) — The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.</del></p> <p><del>(I) — On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc.— White Bluff, Unit 2 Boiler, SN-02 shall comply with BART by meeting the following emission limits when burning sub-bituminous coal:</del></p> <p><del>(1) — 0.15 pounds of SO<sub>2</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average;</del></p> <p><del>(2) — 0.15 pounds of NO<sub>x</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) — The existing particulate matter emission limit as of October 15, 2007, satisfies the</del></p>		

Previous Citation	New Citation	Comments
<p style="text-align: center;"><del>BART particulate matter requirements.</del></p> <p><del>(J) — When burning a mix of bituminous coal and sub-bituminous coal in the Unit 2 Boiler at Entergy Arkansas, Inc. — White Bluff the NO<sub>x</sub> BART limits shall be prorated using the percentage of each of coal being burned.</del></p> <p><del>(K) — On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. — White Bluff, auxiliary boiler, SN-05 shall comply with BART by restricting operation to not more than 4360 hours annually.</del></p> <p><del>(L) On or before the compliance date required under Reg. 19.1504(B); Entergy Arkansas, Inc. – Lake Catherine Plant, Unit 4 Boiler, SN-03 shall comply with BART by meeting the following emission limits when burning natural gas:</del></p> <p style="padding-left: 40px;"><del>(1) — 0.15 pounds of NO<sub>x</sub> per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average; and</del></p> <p style="padding-left: 40px;"><del>(2) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.</del></p> <p><del>(M) — On or before the compliance date required under Reg. 19.1504(B), Entergy Arkansas, Inc. — Lake Catherine Plant, Unit 4 Boiler, SN-03 shall comply with BART by meeting the following emission limits when burning oil:</del></p> <p style="padding-left: 40px;"><del>(1) — 0.562 pounds of SO<sub>2</sub> per million Btu of heat input (0.562 lb/MMBtu) on a 30 day</del></p>		

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<p style="text-align: center;"><del>rolling average;</del></p> <p><del>(2) 0.25 pounds of NO<sub>x</sub> per million Btu of heat input (0.25 lb/MMBtu) on a 30 day rolling average; and</del></p> <p><del>(3) 0.037 pounds of PM<sub>2.5</sub> per million Btu of heat input (0.037 lb/MMBtu) on a 30 day rolling average.</del></p>		
<p><b>Reg. 19.1506 Compliance Provisions</b></p> <p><del>Each facility listed in Reg. 19.1504(A) as being subject to BART shall demonstrate compliance with the BART limits listed in 19.1505 in accordance with the provisions of Chapter 7 of this regulation.</del></p>	<p><b>Reg. 35.1402 Compliance Provisions</b></p> <p><u>The owner or operator of each source subject to Reg. 35.1401 shall:</u></p> <p><u>(A) Comply with the applicable emission limit as expeditiously as practicable, but in no event later than five (5) years after EPA approval of the Arkansas Regional Haze State Implementation Plan.</u></p> <p><u>(B) Establish and implement procedures to properly operate and maintain the control equipment necessary to comply with the applicable emission limits set forth in Reg. 35.1401.</u></p> <p>(C) Demonstrate compliance with the <u>applicable</u> limits listed in Reg. <u>35.1401</u> in accordance with the provisions of Chapter 7 of this <u>R</u>egulation.</p>	

Previous Citation	New Citation	Comments

**Regulation No. 19, Appendix A**

Previous Citation	New Citation	Comments
<p>The following types of activities or emissions are deemed insignificant on the basis of size, emission rate, production rate, or activity. Certain of these listed activities include qualifying statements intended to exclude many similar activities. By <b>such</b> listing, the Department exempts certain sources or types of sources from the requirements to obtain a permit or plan under this <del>regulation</del>. Listing in this <del>part</del> has no effect on any other law to which the activity may be subject. Any activity for which a state or federal applicable requirement applies (such as <del>New Source Performance Standards [NSPS], National Emissions Standards for Hazardous Air Pollutants [NESHAPs], or Maximum Achievable Control Technology [MACT]</del>) is not insignificant, even if this activity meets the criteria below.</p>	<p>The following types of activities or emissions are deemed insignificant on the basis of size, emission rate, production rate, or activity. Certain of these listed activities include qualifying statements intended to exclude many similar activities. By listing <b>these activities</b>, the Department exempts certain sources or types of sources from the requirements to obtain a permit or plan under this <b>Regulation</b>. Listing in this <b>Appendix</b> has no effect on any other law to which the activity may be subject. Any activity for which a state or federal applicable requirement applies (such as NSPS, NESHAP, or MACT) is not insignificant, even if this activity meets the criteria below.</p>	
<p style="text-align: center;"><b>Group A</b></p> <p>The following emission units, operations, or activities must either be listed as insignificant or included in the permit application as sources to be permitted. The ton-per-year applicability levels are for all sources listed in the categories (i.e., cumulative total).</p> <p><del>+</del> Fuel burning equipment with a design rate less than ten <del>(10)</del> million British thermal units (MMBtu) per hour, provided that the aggregate <del>pollutant specific</del> emissions from</p>	<p style="text-align: center;"><b>Group A</b></p> <p>The following emission units, operations, or activities shall either be listed as insignificant or included in the permit application as sources to be permitted. The ton-per-year applicability levels are for all sources listed in the categories (i.e., cumulative total).</p> <p><b>(A)</b> Fuel burning equipment with a design rate less than ten million British thermal units <b>(10)</b> MMBtu) per hour, provided that the aggregate</p>	<p>References to carbon dioxide included in insignificant activities removed.</p> <p>The current language is inconsistent with the vacatur of step 2 of the GHG Tailoring Rule. EPA has indicated that inclusion of CO2 in Appendix A is not approvable; therefore, it is not being retained. Only</p>

<p>all <u>such</u> units listed as insignificant do not exceed <del>five</del> (5) tons per year (<del>tpy</del>) of any combination of <del>HAPs, 75,000 tpy carbon dioxide,</del> and <del>ten</del> (10) tpy of any other pollutant.</p> <p><del>2.</del> Storage tanks less than or equal to 250 gallons storing organic liquids having a true vapor pressure less than or equal to three and one-half (3.5) pounds-force per square inch absolute (psia), provided that the aggregate <del>pollutant specific</del> emissions from all <u>such</u> liquid storage tanks listed as insignificant do not exceed <del>five</del> (5) <del>tpy</del> of any combination of <del>HAPs</del> and <del>ten</del> (10) <del>tpy</del> of any other pollutant.</p> <p><del>3.</del> Storage tanks less than or equal to 10,000 gallons storing organic liquids having a true vapor pressure less than or equal to <del>one-half</del> (0.5) <del>psia</del>, provided that the aggregate <del>pollutant specific</del> emissions from all <u>such</u> liquid storage tanks listed as insignificant do not exceed <del>five</del> (5) <del>tpy</del> of any combination of <del>HAPs</del> and <del>ten</del> (10) <del>tpy</del> of any other pollutant.</p> <p><del>4.</del> Caustic storage tanks that contain no <del>VOCs</del>.</p>	<p>emissions from all <u>the</u> units listed as insignificant do not exceed:</p> <p>(1) <u>Five</u> (5) tons per year of any combination of hazardous air pollutants; or</p> <p>(2) <u>Ten</u> (10) tons per year of any other pollutant.</p> <p>(B) Storage tanks less than or equal to <u>two hundred fifty</u> (250) gallons storing organic liquids having a true vapor pressure less than or equal to <u>three and five-tenths</u> (3.5) pounds-force per square inch absolute, provided that the aggregate emissions from all liquid storage tanks listed as insignificant do not exceed:</p> <p>(1) <u>Five</u> (5) tons per year of any combination of <u>hazardous air pollutants</u>; or</p> <p>(2) <u>Ten</u> (10) tons per year of any other pollutant.</p> <p>(C) Storage tanks less than or equal to <u>ten thousand</u> (10,000) gallons storing organic liquids having a true vapor pressure less than or equal to <u>five-tenths</u> (0.5) <u>pounds per square inch absolute</u>, provided that the aggregate emissions from all liquid storage tanks listed as insignificant do not exceed:</p> <p>(1) <u>Five</u> (5) tons per year of any combination of <u>hazardous air pollutants</u>; or</p> <p>(2) <u>Ten</u> (10) tons per year of any other pollutant.</p> <p>(D) Caustic storage tanks that contain no <u>volatile organic c</u>ompounds.</p>	<p>PSD NSR/Modification for a pollutant other than CO<sub>2</sub> can trigger permitting for CO<sub>2</sub> if CO<sub>2</sub> emissions would be 75,000 tpy or more.</p>
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<p>5. Emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes provided that the aggregate <del>pollutant specific emissions</del> from all <del>such</del> equipment/vents considered insignificant do not exceed <del>five (5) tpy</del> of any combination of <del>HAPs</del> and <del>ten (10) tpy</del> of any other pollutant.</p>	<p>(E) Emissions from laboratory equipment/vents used exclusively for routine chemical or physical analysis for quality control or environmental monitoring purposes provided that the aggregate emissions from all equipment/vents considered insignificant do not exceed</p> <p>(1) <u>Five (5) tons per year</u> of any combination of <u>hazardous air pollutants</u>; or</p> <p>(2) <u>Ten (10) tons per year</u> of any other air pollutant.</p>	
<p>6. Non-commercial water washing operations of empty drums less than or equal to fifty-five (55) gallons with less than three percent of the maximum container volume of material.</p>	<p>(F) Non-commercial water washing operations of empty drums less than or equal to fifty-five (55) gallons with less than three percent (<u>3%</u>) of the maximum container volume of material.</p>	
<p>7. Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of <del>HAPs</del> in excess of one-tenth (0.1) <del>tpy</del>.</p>	<p>(G) Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of <u>hazardous air pollutants</u> in excess of one-tenth (0.1) <u>tons per year</u>.</p>	
<p>8. Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable <del>VOCs</del> or <del>HAPs</del> when closed. This includes filling, blending, or mixing of the contents of such containers by a retailer.</p>	<p>(H) Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable <u>volatile organic compounds</u> or <u>hazardous air pollutants</u> if closed. This includes filling, blending, or mixing of the contents of containers by a retailer.</p>	
<p>9. Equipment used for surface coating, painting, dipping, or spraying operations, provided the material used contains no more than four-tenths (0.4) pounds per gallon (<del>lb/gal</del>) <del>VOCs</del>, no hexavalent chromium; and no more than one-tenth (0.1) <del>tpy</del> of all other <del>HAPs</del>.</p>	<p>(I) Equipment used for surface coating, painting, dipping, or spraying operations, provided the material used contains no more than four-tenths (0.4) pounds per gallon <u>volatile organic compounds</u>, <u>that contains</u> no hexavalent chromium and <u>that emits</u> no more than one-tenth (0.1) <u>tons per year</u> of all other <u>hazardous air pollutants</u>.</p>	

<p><del>10.</del> Non-production equipment approved by the Department, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than <del>ten (10) tpy</del> of any pollutant regulated under this <del>regulation or less than two (2) tpy</del> of a single HAP<sup>1</sup> <del>or five (5) tpy</del> of any combination of HAPs.</p>	<p><u>(J)</u> Non-production equipment approved by the Department, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than:</p> <p><u>(1)</u> Ten (10) <u>tons per year</u> of any pollutant regulated under this <u>Regulation</u>;</p> <p><u>(2)</u> Two (2) <u>tons per year</u> of a single <u>hazardous air pollutant</u>;<sup>2</sup> <u>and</u></p> <p><u>(3)</u> Five (5) <u>tons per year</u> of any combination of <u>hazardous air pollutants</u>.</p>	
<p><del>11.</del> Operation of groundwater remediation wells, including emissions from the pumps and collection activities provided that the emissions are less than <del>ten (10) tpy</del> of any pollutant regulated under this <del>regulation or less than two (2) tpy</del> of a single HAP <del>or five (5) tpy</del> of any combination of HAPs. <del>This does not include emissions from air-stripping or storage.</del></p>	<p><u>(K)</u> Operation of groundwater remediation wells, including emissions from the pumps and collection activities, <u>but not from air-stripping or storage</u>, provided that the emissions are less than:</p> <p><u>(1)</u> Ten (10) <u>tons per year</u> of any pollutant regulated under this <u>Regulation</u>;</p> <p><u>(2)</u> Two (2) <u>tons per year</u> of a single <u>hazardous air pollutant</u>; <u>and</u></p> <p><u>(3)</u> Five (5) <u>tons per year</u> of any combination of <u>hazardous air pollutants</u>.</p>	
<p><del>12.</del> Emergency use generators, boilers, or other fuel burning equipment that:</p> <p>(A) <del>is</del> of equal or smaller capacity than the primary operating unit;</p>	<p><u>(L)</u> Emergency-use generators, boilers, or other fuel burning equipment, <u>with the exception of generators that provide electricity to the distribution grid</u>, that:</p> <p><u>(1)</u> <u>Are</u> of equal or smaller capacity than the primary operating unit;</p>	

<sup>1</sup> The treatability study or pollution prevention program must be approved separately. The activity creating the emissions must also be determined to be insignificant as discussed in the introduction to this group.

<sup>2</sup> The treatability study or pollution prevention program shall be approved separately. The activity creating the emissions shall also be determined to be insignificant as discussed in the introduction to this group.

<p>(B) cannot be used in conjunction with the primary operating unit; and</p> <p>(C) <del>does</del> not emit or have the potential to emit regulated air pollutants in excess of the primary operating unit and not operated more than ninety (90) days a year.</p> <p><del>(3) This does not apply to generators which provide electricity to the distribution grid.</del></p> <p>13. Other activities <del>for which</del> the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or regulation provided that the emissions are less than are less than <del>75,000 tpy carbon dioxide, or less than one</del> (1) <del>tpy</del> of a single <del>HAP</del> or two and <del>one-half</del> (2.5) <del>tpy</del> of any combination of <del>HAPs</del>, or <del>five</del> (5) <del>tpy</del> of any pollutant regulated under this regulation. <del>These emission limits apply to the sum of all activities listed under this group.</del></p>	<p><del>(2) Cannot be used in conjunction with the primary operating unit;</del></p> <p><del>(3) Do not emit or have the potential to emit <u>federally</u>-regulated air pollutants in excess of the primary operating unit; and</del></p> <p><del>(4) Are not operated more than ninety (90) days a year.</del></p> <p><u>(M)</u> Other activities <u>if</u> the facility demonstrates that no enforceable permit conditions are necessary to ensure compliance with any applicable law or regulation provided that the <u>aggregate emissions of all activities listed under this group are less than:</u></p> <p><u>(1) Five (5) tons per year</u> of any pollutant regulated under this <u>Regulation</u>;</p> <p><u>(2) One (1) tons per year</u> of a single <u>hazardous air pollutant</u>; and</p> <p><u>(3) Two and five-tenths (2.5) tons per year</u> of any combination of <u>hazardous air pollutants</u>.</p>	
<p style="text-align: center;"><b>Group B</b></p> <p>The following emission units, operations, or activities need not be included in a permit application:</p> <p>4. Combustion emissions from propulsion of mobile sources and emissions from refueling these sources unless regulated by Title II and required to obtain a permit under Title V <del>of the federal Clean Air Act, as amended</del>. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or</p>	<p style="text-align: center;"><b>Group B</b></p> <p>The following emission units, operations, or activities do not need to be included in a permit application:</p> <p><u>(A)</u> Combustion emissions from propulsion of mobile sources and emissions from refueling these sources unless regulated by <u>Clean Air Act</u> Title II and required to obtain a permit under <u>Clean Air Act</u> Title V. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from</p>	

<p>fueling operations covered under any applicable federal requirements.</p> <p><del>2.</del> Air conditioning and heating units used for comfort that do not have applicable requirements under Title VI <del>of the Act</del>.</p> <p><del>3.</del> Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.</p> <p><del>4.</del> Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.</p> <p><del>5.</del> Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction.</p> <p><del>6.</del> Janitorial services and consumer use of janitorial products.</p> <p><del>7.</del> Internal combustion engines used for landscaping purposes.</p> <p><del>8.</del> Laundry activities, except for dry-cleaning and steam boilers.</p> <p><del>9.</del> Bathroom/toilet emissions.</p> <p><del>10.</del> Emergency (backup) electrical generators at residential locations.</p> <p><del>11.</del> Tobacco smoking rooms and areas.</p> <p><del>12.</del> Blacksmith forges.</p> <p><del>13.</del> Maintenance of grounds or buildings, including:</p>	<p>loading racks or fueling operations covered under any applicable federal requirements;</p> <p><u>(B)</u> Air conditioning and heating units used for comfort that do not have applicable requirements under <u>Clean Air Act</u> Title VI;</p> <p><u>(C)</u> Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process;</p> <p><u>(D)</u> Non-commercial food preparation or food preparation at restaurants, cafeterias, caterers, etcetera;</p> <p><u>(E)</u> Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction;</p> <p><u>(F)</u> Janitorial services and consumer use of janitorial products;</p> <p><u>(G)</u> Internal combustion engines used for landscaping purposes;</p> <p><u>(H)</u> Laundry activities, except for dry-cleaning and steam boilers;</p> <p><u>(I)</u> Bathroom/toilet emissions;</p> <p><u>(J)</u> Emergency (backup) electrical generators at residential locations;</p> <p><u>(K)</u> Tobacco smoking rooms and areas;</p> <p><u>(L)</u> Blacksmith forges;</p> <p><u>(M)</u> Maintenance of grounds or buildings,</p>	
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<p>lawn care, weed control, pest control, and water washing activities.</p>	<p>including lawn care, weed control, pest control, and water washing activities;</p>	
<p>14. Repair, upkeep, maintenance, or construction activities not related to the source’s primary business activity, and not otherwise triggering a permit modification. This may include, but is not limited to <del>such</del> activities as general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory, or insulation, brazing, soldering, the use of adhesives, grinding, and cutting.<sup>3</sup></p>	<p>(N) Repair, upkeep, maintenance, or construction activities not related to the source’s primary business activity, and not otherwise triggering a permit modification. This may include, but is not limited to, activities <u>such</u> as general repairs, cleaning, painting, welding, woodworking, plumbing, re-tarring roofs, installing insulation, paved/paving parking lots, miscellaneous solvent use, application of refractory, or insulation, brazing, soldering, the use of adhesives, grinding, and cutting<sup>7</sup>;</p>	
<p>15. Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility whose primary business activity is surface-coating or includes surface-coating or products.</p>	<p>(O) Surface-coating equipment during miscellaneous maintenance and construction activities. This activity specifically does not include any facility whose primary business activity is surface-coating or includes surface-coating or products;</p>	
<p>16. Portable electrical generators that can be “moved by hand” from one location to another.<sup>4</sup></p>	<p>(P) Portable electrical generators that can be “moved by hand” from one location to another<sup>8</sup>;</p>	
<p>17. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.</p>	<p>(Q) Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;</p>	
<p>18. Brazing or soldering equipment related to manufacturing activities that do not result in emission of HAPs.<sup>5</sup></p>	<p>(R) Brazing or soldering equipment related to</p>	

<sup>3</sup> Cleaning and painting activities qualify if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must get a permit.

<sup>4</sup> “Moved by hand” means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

<sup>5</sup> Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit HAP metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit HAP metals are treated as trivial and listed separately in this appendix.

<sup>7</sup> Cleaning and painting activities qualify if they are not subject to volatile organic compounds or hazardous air pollutants control requirements. Asphalt batch plant owners or

<p>19. Air compressors and pneumatically operated equipment, including hand tools.</p>		
<p>20. Batteries and battery charging stations, except at battery manufacturing plants.</p>	<p>(S) Air compressors and pneumatically-operated equipment, including hand tools;</p>	
<p>21. Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOCs or HAPs.<sup>6</sup></p>	<p>(T) Batteries and battery charging stations, except at battery manufacturing plants;</p>	
<p>22. Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and no volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.</p>	<p>(U) Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any <u>volatile organic compounds</u> or <u>hazardous air pollutants</u><sup>10</sup>;</p>	
<p>23. Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved.</p>	<p>(V) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and <u>non</u>-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved;</p>	
<p>24. Drop hammers or presses for forging or metalworking.</p>	<p>(W) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and non-volatile aqueous salt solutions, provided appropriate lids and covers are used and appropriate odor control is achieved;</p>	
<p>25. Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers,</p>	<p>(X) Drop hammers or presses for forging or metalworking;</p> <p>(Y) Equipment used exclusively to slaughter</p>	

operators shall get a permit

<sup>8</sup>“Moved by hand” means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

<sup>6</sup> Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

<sup>9</sup> Exemptions for storage tanks containing petroleum liquids or other volatile organic liquids are based on size and limits including storage tank capacity and vapor pressure of liquids stored and are not appropriate for this list.

<sup>10</sup>Brazing, soldering, and welding equipment, and cutting torches related to manufacturing and construction activities that emit hazardous air pollutant metals are more appropriate for treatment as insignificant activities based on size or production thresholds. Brazing, soldering, and welding equipment, and cutting torches related directly to plant maintenance and upkeep and repair or maintenance shop activities that emit hazardous air pollutant metals are treated as trivial and listed separately in this Appendix.

<p>heating plants, incinerators, and electrical power generating equipment.</p> <p><del>26.</del> Vents from continuous emissions monitors and other analyzers.</p> <p><del>27.</del> Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.</p> <p><del>28.</del> Hand-held applicator equipment for hot melt adhesives with no <del>VOCs</del> in the adhesive.</p> <p><del>29.</del> Lasers used only on metals and other materials <del>which</del> do not emit <del>HAPs</del> in the process.</p> <p><del>30.</del> Consumer use of paper trimmers/binders.</p> <p><del>31.</del> Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.</p> <p><del>32.</del> Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this <del>r</del>egulation.</p> <p><del>33.</del> Laser trimmers using dust collection to prevent fugitive emissions.</p> <p><del>34.</del> Bench-scale laboratory equipment used for physical or chemical analysis not including lab fume hoods or vents.</p> <p><del>35.</del> Routine calibration and maintenance of laboratory equipment or other analytical instruments.</p>	<p>animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;</p> <p><del>(Z)</del> Vents from continuous emissions monitors and other analyzers;</p> <p><del>(AA)</del> Natural gas pressure regulator vents, excluding venting at oil and gas production facilities;</p> <p><del>(BB)</del> Hand-held applicator equipment for hot melt adhesives with no <u>volatile organic compounds</u> in the adhesive;</p> <p><del>(CC)</del> Lasers used only on metals and other materials <u>that</u> do not emit <u>hazardous air pollutants</u> in the process;</p> <p><del>(DD)</del> Consumer use of paper trimmers/binders;</p> <p><del>(EE)</del> Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam;</p> <p><del>(FF)</del> Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this <u>R</u>egulation;</p> <p><del>(GG)</del> Laser trimmers using dust collection to prevent fugitive emissions;</p> <p><del>(HH)</del> Bench-scale laboratory equipment used for physical or chemical analysis; not including lab fume hoods or vents;</p> <p><del>(II)</del> Routine calibration and maintenance of</p>	
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<p>36. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.</p>		<p>laboratory equipment or other analytical instruments;</p>
<p>37. Hydraulic and hydrostatic testing equipment.</p>	<p>(JJ)</p>	<p>Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis;</p>
<p>38. Environmental chambers not using hazardous air pollutant gases.</p>	<p>(KK)</p>	<p>Hydraulic and hydrostatic testing equipment;</p>
<p>39. Shock chambers, humidity chambers, and solar simulators.</p>	<p>(LL)</p>	<p>Environmental chambers not using hazardous air pollutant gases;</p>
<p>40. Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.</p>	<p>(MM)</p>	<p>Shock chambers, humidity chambers, and solar simulators;</p>
<p>41. Process water filtration systems and demineralizers.</p>	<p>(NN)</p>	<p>Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted;</p>
<p>42. Demineralized water tanks and demineralizer vents.</p>	<p>(OO)</p>	<p>Process water filtration systems and demineralizers;</p>
<p>43. Boiler water treatment operations, not including cooling towers.</p>	<p>(PP)</p>	<p>Demineralized water tanks and demineralizer vents;</p>
<p>44. Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to <del>Section 112(r) of the Act as of July 1, 1997</del>, for use in cooling towers, drinking water systems, and boiler water/feed systems.</p>	<p>(QQ)</p>	<p>Boiler water treatment operations, not including cooling towers;</p>
<p>45. Oxygen scavenging (de-aeration) of water.</p>	<p>(RR)</p>	<p>Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to <u>Clean Air Act § 112(r)</u> as of July 1, 1997, for use in cooling towers, drinking water systems, and boiler water/feed systems;</p>
<p>46. Ozone generators.</p>		

<del>47.</del> Fire suppression systems.	<u>(SS)</u> Oxygen scavenging (de-aeration) of water;
<del>48.</del> Emergency road flares.	<u>(TT)</u> Ozone generators;
<del>49.</del> Steam vents and safety relief valves.	<u>(UU)</u> Fire suppression systems;
<del>50.</del> Steam leaks.	<u>(VV)</u> Emergency road flares;
<del>51.</del> Steam cleaning operations.	<u>(WW)</u> Steam vents and safety relief valves;
<del>52.</del> Steam and microwave sterilizers.	<u>(XX)</u> Steam leaks;
<del>53.</del> Site assessment work to characterize waste disposal or remediation sites.	<u>(YY)</u> Steam cleaning operations;
<del>54.</del> Miscellaneous additions or upgrades of instrumentation.	<u>(ZZ)</u> Steam and microwave sterilizers;
<del>55.</del> Emissions from combustion controllers or combustion shutoff devices but not combustion units itself.	<u>(AAA)</u> Site assessment work to characterize waste disposal or remediation sites;
<del>56.</del> Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of or <del>such</del> vehicles (i.e. antifreeze, fuel additives).	<u>(BBB)</u> Miscellaneous additions or upgrades of instrumentation;
<del>57.</del> Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps.	<u>(CCC)</u> Emissions from combustion controllers or combustion shutoff devices but not combustion units itself;
<del>58.</del> Emissions from equipment lubricating systems (i.e. oil mist), not including storage tanks, unless otherwise exempt.	<u>(DDD)</u> Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of <u>the</u> vehicles (e.g., antifreeze, fuel additives);
<del>59.</del> Residential wood heaters, cookstoves, or fireplaces.	<u>(EEE)</u> Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps;
<del>60.</del> Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation.	<u>(FFF)</u> Emissions from equipment lubricating systems (i.e., oil mist), not including storage tanks, unless otherwise exempt;
	<u>(GGG)</u> Residential wood heaters, cook_stoves, or fireplaces;

<p>61. Log wetting areas and log flumes.</p> <p>62. Periodic use of pressurized air for cleanup.</p> <p>63. Solid waste dumpsters.</p> <p>64. Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks.</p> <p>65. Natural gas odoring activities unless the Department determines that emissions constitute air pollution.</p> <p>66. Emissions from engine crankcase vents.</p> <p>67. Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release.</p> <p>68. Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds <del>where</del> all materials charged are in paste form.</p> <p>69. Mixers, blenders, roll mills, or calendars for rubber or plastic <del>for which</del> no materials in powder form are added and <del>in which</del> no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted.</p> <p>70. The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion offsite (this applies to the equipment</p>	<p><u>(HHH)</u> Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation;</p> <p><u>(III)</u> Log wetting areas and log flumes;</p> <p><u>(JJJ)</u> Periodic use of pressurized air for cleanup;</p> <p><u>(KKK)</u> Solid waste dumpsters;</p> <p><u>(LLL)</u> Emissions of wet lime from lime mud tanks, lime mud washers, lime mud piles, lime mud filter and filtrate tanks, and lime mud slurry tanks;</p> <p><u>(MMM)</u> Natural gas odoring activities unless the Department determines that emissions constitute air pollution;</p> <p><u>(NNN)</u> Emissions from engine crankcase vents;</p> <p><u>(OOO)</u> Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release;</p> <p><u>(PPP)</u> Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds <u>if</u> all materials charged are in paste form;</p> <p><u>(QQQ)</u> Mixers, blenders, roll mills, or calendars for rubber or plastic <u>where</u> no materials in powder form are added and <u>where</u> no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted;</p> <p><u>(RRR)</u> The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion off-site (this</p>	
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<p>only).</p> <p>71. Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic derived biosolids and inorganic materials such as lime, ash, or sand.</p> <p>72. Tall oil soap storage, skimming, and loading.</p> <p>73. Water heaters used strictly for domestic (non-process) purposes.</p> <p>74. Facility roads and parking areas, unless necessary to control offsite fugitive emissions.</p> <p>75. Agricultural operations, including onsite grain storage, not including internal combustion engines or grain elevators.</p> <p>76. Natural gas and oil exploration and production site equipment not subject to a rule under 40 C.F.R. Parts 60, 61, or 63.</p>	<p>applies to the equipment only);</p> <p><u>(SSS)</u> Maintenance dredging of pulp and paper mill surface impoundments and ditches containing cellulosic and cellulosic-derived bio-solids and inorganic materials such as lime, ash, or sand;</p> <p><u>(TTT)</u> Tall oil soap storage, skimming, and loading;</p> <p><u>(UUU)</u> Water heaters used strictly for domestic (non-process) purposes;</p> <p><u>(VVV)</u> Facility roads and parking areas, unless necessary to control off-site fugitive emissions;</p> <p><u>(WWW)</u> Agricultural operations, including on-site grain storage, not including internal combustion engines or grain elevators; and</p> <p><u>(XXX)</u> Natural gas and oil exploration and production site equipment not subject to a rule under 40 C.F.R. Parts 60, 61, or 63.</p>	
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## Regulation No. 19 Appendix B

The 2015 ozone standard has been updated to the most recent NAAQS.

### APPENDIX B: NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

The National Ambient Air Quality Standards as adopted as of the effective date of this Regulation are listed below.

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Carbon Monoxide	76 FR 54294	August 31, 2011	Primary	<del>8</del> Eight-hour	<del>Nine (9) parts per million</del> 9 ppm	Not to be exceeded more than once per year	All Chapters
				<del>1</del> One-hour <del>1</del> hour	<del>Thirty-five (35) parts per million</del> 35 ppm		All Chapters
Lead	73 FR 66964	November 12, 2008	Primary and secondary	Rolling <del>3-t</del> hree-month average	<del>Fifteen hundredths (0.15) micrograms per cubic meter</del> 0.15 µg/m <sup>3</sup>	Not to be exceeded	All Chapters
Nitrogen Dioxide	75 FR 6474	February 9, 2010	Primary	<del>1</del> One-hour	<del>One hundred (100) parts per billion</del> 100 ppb	<del>Ninety-eighth (98th) percentile, averaged over three (3) years</del> 98th percentile, averaged over 3 years	All Chapters
	61 FR 52852	October 8, 1996	Primary and secondary	Annual	<del>Fifty-three (53) parts per billion</del> 53 ppb	Annual Mean	All Chapters

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Ozone	<del>80 FR 65292</del> <del>73 FR 16436</del>	<del>October 26, 2015</del> <del>March 27, 2008</del>	Primary and secondary	<del>8</del> Eight-hour	<del>Seventy (70) parts per billion</del> <del>0.075 ppm</del>	Annual fourth-highest daily maximum <del>8</del> eight-hr concentration, averaged over <del>three (3)</del> years	All Chapters
Particle Pollution, PM <sub>2.5</sub>	78 FR 3085	January 15, 2013	Primary	Annual	<del>Twelve (12) micrograms per cubic meter</del> <del>12 µg/m<sup>3</sup></del>	Annual mean, averaged over <del>three (3)</del> years	All Chapters
	71 FR 61144	October 17, 2006	Secondary	Annual	<del>Fifteen (15) micrograms per cubic meter</del> <del>15 µg/m<sup>3</sup></del>		
			Primary and secondary	<del>24</del> Twenty-four-hour	<del>Thirty-five (35) micrograms per cubic meter</del> <del>35 µg/m<sup>3</sup></del>	<del>Ninety-eighth (98<sup>th</sup>)</del> percentile, averaged over <del>three (3)</del> years	All Chapters
Particle Pollution, PM <sub>10</sub>	71 FR 61144,	October 17, 2006	Primary and secondary	<del>24</del> Twenty-four-hour	<del>One hundred fifty (150) micrograms per cubic meter</del> <del>150 µg/m<sup>3</sup></del>	Not to be exceeded more than once per year on average over <del>three (3)</del> years	All Chapters

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Sulfur Dioxide	75 FR 35520	June 22, 2010	Primary	<del>1</del> One-hour	<del>Seventy-five (75) parts per billion</del> <del>75 ppb</del>	<del>Ninety-ninth (99th)</del> percentile of <del>1</del> one-hour daily maximum concentrations, averaged over <del>three (3)</del> years	All Chapters
	38 FR 25678	September 14, 1973	Secondary	<del>3</del> Three-hour	<del>One-half (0.5) parts per million 0.5 ppm</del>	Not to be exceeded more than once per year	All Chapters