

Objective: The workgroup discussed the Incorporation by Reference conditions and dates listed in Regulation 19, Chapter 9: Prevention of Significant Deterioration.

Background: Many reference dates are arbitrary, with no ties to a Federal Rule; several are outdated in ways that limit flexibility for facilities and the state and others may cause SIP approvability issues. The group prefers to maintain state flexibility where possible.

Discussion Aids: Refer to the Google folder “May 21 Meeting Discussion Aids & Summary” for documents used in this meeting’s discussion. For further information about specific Federal Rules affecting the PSD program and current SIP, refer to the Google folder “PSD_Reg19-Ch9_Reference Docs. (The link to the shared folders is included in the e-mail message accompanying this message.)

Discussion of inconsistencies between state (Reg. 19, Ch. 9) and federal language (40 CFR 52.21) for PSD:

- If a section is “not incorporated” in Reg 19, and has been vacated or removed by EPA, it is probably OK to update the IBR to current date in Reg 19. Sometimes sections of federal rule will be vacated/removed after state rulemaking; as always, we will open the Reg. and revise whenever that occurs.
- 52.21(a)(2)(iv)(e) and (f) – federal rule vacated by court, section (e) “Reserved” in CFR and at (f), language removed in second half of the section; should update IBR
- 52.21(a)(2)(vi) – federal rule removed this section June 13, 2007; should update IBR
- 52.21(b)(2)(iii)(a) – Routine maintenance, repair, replacement: stayed by court order as of 2003; NOT INCORPORATED in Reg. 19, so can leave it as it is.
- 19.903(B)(1) – need a clearer explanation/definition of regulated NSR pollutant in the Regulation
- 19.903(B)(2)-(5) – “unless otherwise specified, effective as of” possible fix for this section (regulated NSR pollutant)
- 19.903(B)(5) – “general pollutant listed under Section 108” could be replaced with “as adopted under Chapter 2”
- 52.21(b)(3)(iii)(c) – 2011 Fugitive Emissions revision needs pulled in at 19.904 and/or 19.903(D); update to March 30, 2011 final rule effective date.
- 52.21(b)(6)(ii) – 2016 Oil and Gas provisions could be pulled in (double-check with Oil & Gas Marketers); update to June 3, 2016 final rule effective date.
- “App. W” issue with EPA – The Reg. IBRs the bulk of PSD as of 2005, but App. W is without a specific date; EPA wants reference to App. W referenced with a current date. Most recent federal register notice is dated January 17, 2017. (40 CFR Part 51, https://www3.epa.gov/ttn/scram/appendix_w/2016/AppendixW_2017.pdf)
- Biomass clause at 52.21(b)(49)(ii)(a): “...prior to July 21, 2014, mass of CO2 shall not include CO2 from combustion or decomposition of biodegradable material...” in 52.21;

should check in with Forestry industry, but otherwise don't see that this should be pulled into Reg. 19, due to the "prior to" date having passed.

- Tailoring Rule Step II at 52.21(b)(49)(v): Language should be removed from 19.904(G)(5); "reserved" in CFR as of 2015 federal final rule
- Other sections of 52.21(b)(49) are copied mostly word-for-word from federal language; need to be monitored for federal changes (or incorporated as of a date certain, if "carve-outs" no longer need, but no current revision is needed.
- Process Unit at 52.21(b)(55) – (58) stayed in CFR; Not Incorporated into Reg 19.904(A)(5), so these sections need no revision.
- PM10 and PM 2.5 at 52.21(i)(5)(i)(c) & (d): Reg. 19 says basically the same, except that Particulate Matter in Reg 19 should be clarified as PM10. (There is no exemption for PM2.5 in the CFR, so it doesn't need added to Reg 19, unless included at "0 level" for clarity.)

Considerations for the next meeting:

- Global Warming Potentials – IBR date is November 29, 2013 at Reg 19.904(G)(2); Dec 11, 2014 final rule updated the Table added new GWPs for a number of fluorinated GHGs. Should probably be updated in Reg 19...
- Review discussion aids in the shared folders; look at what has been "carved out" and decided if there's anything we'd like to keep that way (otherwise, IBR by current date is probably OK)
- We will work through the rest of the IBR chart at our next meeting.

The next workgroup meeting is scheduled for June 25, 1:00 p.m. to 3:00 p.m. at ADEQ headquarters in North Little Rock.