Pollution Control and Ecology Commission # 014.00-019

ARKANSAS POLLUTION CONTROL and ECOLOGY COMMISSION

REGULATION NO. 19
REGULATIONS OF THE ARKANSAS PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL

RECEIVED
OCT 10 2018
BUREAU OF
LEGISLATIVE RESEARCH

Mark-Up Draft
Submitted to the Arkansas Pollution Control and Ecology Commission
September 2018

EXHIBIT A

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CHAPTER 1: TITLE, INTENT, AND PURPOSE

Reg. 19.101 Title

The following rules and regulations, adopted in accordance with the provisions of Subchapter 2 of the Arkansas Water and Air Pollution Control Act, Arkansas Code Annotated (Ark. Code Ann.) § 8-4-201 *et seq.*, shall be known as "Regulations of the Arkansas Plan of Implementation of Air Pollution Control," hereinafter referred to as the "Regulations of the Plan," and "Regulation 19."

Reg. 19.102 Applicability

These regulations are applicable to any stationary source which has the potential to emit any federally regulated air pollutant.

Reg. 19.103 Intent and Construction

(A) The purpose and intent of Regulation 19, as amended, is to provide a clear delineation of those regulations that are promulgated by the Commission in satisfaction of certain requirements of the federal Clean Air Act, 42 United States Code (U.S.C.) § 7401 *et seq.*, as of July 1, 1997, 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 Code of Federal Regulations [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) as of July 1, 1997. This subsection shall not be construed as limiting the future delegation of federal programs to the Department for administration.

(B) Regulation 19, as amended, is further intended to limit the federal enforceability of its requirements to only those mandated by federal law. Regulation 19, as amended, is also intended to facilitate a permit system for stationary sources within the State, which permit

shall provide which provisions are federally enforceable and which provisions are state enforceable.

(C) Regulation 19, as amended, presumes a single-permit system, encompassing both federal and state requirements. A regulated facility which is subject to permitting under Regulation 19 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 19, as well as conditions predicated solely on state law. Regulation 19, 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 19. Permits or permit conditions issued under the authority of state law, or enforcement issues arising out of state law, shall not be federally enforceable.

(D) To the extent consistent with state law and efficient protection of the State's air quality, Regulation 19 shall be construed in a manner that promotes a streamlined permitting process, mitigation of regulatory costs, and flexibility in maintaining compliance with federal mandates. Any applicable documents (e.g. "White Papers," regulatory preambles, or interpretive memoranda) issued by the EPA which are consistent with this policy and the legislative intent of state laws governing air pollution control (Ark. Code Ann. § 8-4-301 *et seq.*) are aids for construing the requirements of Regulation 19. Any procedure applicable to major sources that promotes operational flexibility are presumed to be authorized by this regulation unless manifestly inconsistent with its substantive terms.

(E) Nothing in Regulation 19 shall be construed as curtailing the Department's or Commission's authority under state law.

Reg. 19.104 Severability

If any provision of Regulation 19 is determined to be invalid, such invalidity shall not affect other provisions of Regulation 19.

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

shall not be enforceable until such time as the Commission makes a final decision on whether or not to revise Regulation 19 due to the federal legislation or federal court order.

CHAPTER 2: DEFINITIONS

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:

"12-month period" means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

"Actual emissions" 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.

"CO_2 equivalent emissions" (CO_2e) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions tpy, for each of the six greenhouse gases in the pollutant 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 (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]), and summing the resultant value for each to compute a tpy CO_2 equivalent emissions.

"Commission" means the Arkansas Pollution Control and Ecology Commission.

"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.

"Control apparatus" means any device which prevents, controls, detects or records the emission of any federally regulated air pollutants.

"Department" means the Arkansas Department of Environmental Quality, or its successor. When reference is made in this regulation 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.

"Director" means the Director of the Arkansas Department of Environmental Quality, or its successor, acting directly or through the staff of the Department.

"Emission limitation" and **"emission standard"** mean a requirement established by the Department or the Administrator of the EPA which limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

"Emission unit" means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally regulated air pollutant.

"EPA" means the United States Environmental Protection Agency.

"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.

"Federal Clean Air Act" or **"Clean Air Act"** or **"FCAA"** or **"the Act"** means the federal Clean Air Act, as amended, 42 U.S.C. 7401, *et seq*. and its implementing regulations as of the effective date of this regulation.

"Federally regulated air pollutant" means the following:

(A) Nitrogen oxides or any volatile organic compounds;

(B) Any pollutant for which a National Ambient Air Quality Standard has been promulgated;

(C) Except as provided in (E), any pollutant that is subject to any standard promulgated under 42 U.S.C. § 7401, *et seq*., as of the effective date of this regulation;

(D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, 42 U.S.C. § 7401, *et seq*. as amended as of July 1,1997.

(E) GHGs, except that GHGs shall not be a Federally Regulated Air Pollutant unless the GHG emissions are:

(1) from a stationary source emitting or having the potential to emit 75,000 tpy CO_2e emissions or more; and

(2) regulated under Chapter 9 of this Regulation 19.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. 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.

"Greenhouse gases" (GHGs) means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

"Hazardous Air Pollutant" or **"HAP"** means any air pollutant listed pursuant to § 112 of the Clean Air Act, as amended, 42 U.S.C. § 7401, *et seq.*, as of the effective date of this regulation.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the emission rate of any federally regulated air pollutant over permitted rates or which results in the emission of a federally regulated air pollutant not previously emitted, except that:

(A) Routine maintenance, repair, and replacement shall not be considered a physical change, and

(B) The following shall not be considered a change in the method of operation:

(1) Any change in the production rate, if such change does not exceed the permitted operating capacity of the source;

(2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or

(3) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.

(C) *De Minimis* changes, as defined in Reg. 19.407(C), and changes in ownership shall not be considered.

"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 ~~January 15, 2013 (78 FR 3086)~~ October 26, 2015 (80 FR 65292), as set forth in Appendix B of Regulation 19.

"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 *et seq.*, 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.

"Opacity" means the degree to which air emissions reduce the transmission of light and obscure the view of an object in the background.

"Operator" means any person who leases, operates, controls, or supervises any equipment affected by these regulations.

"Owner" means any person who has legal or equitable title to any source, facility, or equipment affected by these regulations.

"Particulate matter" or "PM" means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than 100 micrometers.

"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 these regulations or any supplement thereto, with the exception of condensable particulate matter.

"Person" means any individual or other legal entity or their legal representative or assignee.

"Plan" means the Arkansas Plan of Implementation for Air Pollution Control.

"$PM_{2.5}$" means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (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.

"$PM_{2.5}$ emissions" means $PM_{2.5}$ 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.

"PM_{10}" 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 as of December 8, 1984.

"PM_{10} emissions" means PM_{10} 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.

"Potential to emit" 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, 42 U.S.C. § 7401 *et seq.* as of February 15, 1999. Secondary air emissions do not count in determining the potential to emit of a stationary source.

"Responsible official" means one of the following:

(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 such 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:

(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

(2) The delegation of authority to such representative is approved in advance by the Department;

(B) For partnership or sole proprietorship: a general partner or the proprietor, respectively;

(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); or

(D) For acid rain sources:

(1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and

(2) The designated representative for any other purposes under Part 70.

"Secondary emissions" means those emissions of federally regulated air pollutants which, although associated with a source, are not emitted from the source itself.

"Shutdown" means the cessation of operation of equipment.

"Startup" means the setting in operation of equipment.

"State implementation plan" or "SIP" (as defined at Ark. Code Ann. § 8-4-303), 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 *et seq.*, and that is developed by the department and submitted to the EPA for review and approval.

"Stationary source" means any building, structure, facility, or installation which emits or may emit any federally regulated air pollutant.

"Title I modification" means any modification as defined under any regulation promulgated pursuant to Title I of the federal Clean Air Act. *De minimis* changes under Regulation 19, changes to state only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.

"Volatile organic compounds" or **"VOC"** means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

(A) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

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);
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 ($C_4F_9OCH_3$ or HFE-7100);
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCF_2OCH_3$);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$ or HFE 7200);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCF_2OC_2H_5$);
methyl acetate;
1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ 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 ($HCOOCH_3$);

1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
propylene carbonate;
dimethyl carbonate;
trans-1,3,3,3-tetrafluoropropene (HFO-1234ze);
HCF_2OCF_2H (HFE-134);
$HCF_2OCF_2OCF_2H$ (HFE-236cal2);
$HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13);
$HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 [or 150 or 180]);
trans- 1-chloro-3,3,3-triflouroprop-1-ene;
2,3,3,3-tetraflouropropene;
2-amino-2-methyl-1-propanol;

and perfluorocarbon compounds which fall into these classes:

(1) cyclic, branched, or linear, completely fluorinated alkanes;

(2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(3) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(4) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(B) For purposes of determining compliance with emission limits, VOC will be measured by the test methods in the approved State Implementation Plan (SIP) or 40 C.F.R. Part 60, Appendix A, as of July 1, 1997, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Department.

(C) As a precondition to excluding these compounds as VOC 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.

(D) The following compound(s) are VOC for 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.

CHAPTER 3: PROTECTION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS

Reg. 19.301 Purpose

The purpose of this chapter is to state the responsibilities of the Department and regulated sources in meeting and maintaining the NAAQS. If any area of the state is determined to be in violation of the NAAQS, all applicable requirements contained in the Clean Air Act, as amended, and all regulations promulgated thereto shall be met by the Department.

Reg. 19.302 Department Responsibilities

The Department shall be responsible for taking the following precautions to prevent the NAAQS from being exceeded:

(A) Ambient air monitoring in any area that can reasonably be expected to be in excess of the NAAQS.

(B) Computer modeling of regulated air pollutant emissions for any area that can reasonably be expected to be in excess of the NAAQS, 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 this Plan. All computer modeling shall be performed using EPA-approved models, and using averaging times commensurate with averaging times stated in the NAAQS.

Reg. 19.303 Regulated Sources Responsibilities

Any source subject to the provisions of this Plan shall be responsible for taking the following precautions to prevent the NAAQS from being exceeded:

(A) When required by law or this regulation, 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 emissions.

(B) Operating equipment in such a manner as to meet any applicable permit requirement or any applicable regulations.

(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 NAAQS, as determined by computer modeling, the source is responsible for ceasing operations of the affected equipment until such time that it is repaired.

Reg. 19.304 Delegated Federal Programs

Sources subject to this regulation shall also comply with all Federal 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 Hazardous Air Pollutants (40 C.F.R. Parts 61 and 63), 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.)

CHAPTER 4: MINOR SOURCE REVIEW

Reg. 19.401 General Applicability

No person shall cause or permit the operation, construction, or modification of a stationary source, whose actual emissions are:

Seventy-five (75) tons per year or more of carbon monoxide;

Forty (40) tons per year or more of nitrogen oxides;

Forty (40) tons per year or more of sulfur dioxide;

Forty (40) tons per year or more of volatile organic compounds;

Ten (10) tons per year or more of direct $PM_{2.5}$;

Fifteen (15) tons per year or more of PM_{10};

One-half (0.5) ton per year or more of lead;

Two (2) tons per year or more of any single hazardous air pollutant; or

Five (5) tons per year or more of any combination of hazardous air pollutants

without first obtaining a permit from the Department pursuant to the provisions of this chapter.

Reg. 19.402 Approval Criteria

No permit shall be granted or modified 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 or without interfering with the attainment or maintenance of a national ambient air quality standard.

Reg. 19.403 Owner/Operator's Responsibilities

Issuance of a permit by the Department does not affect the responsibility of the owner/operator to comply with applicable portions of this regulation.

Reg. 19.404 Required Information

(A) General

Application for a permit shall be made on such forms and contain such information as the Department may reasonably require, including but not limited to:

(1) information on the nature and amounts of federally regulated air pollutants to be emitted by the stationary source; and

(2) such information on the location, design, and operation of stationary source as the Department may reasonably require.

(B) Duty to Supplement Submittal

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 such information in writing and set a reasonable deadline for a response.

(C) Duty to Correct Submittal

Any owner/operator who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of such 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.

Reg. 19.405 Action on Application

(A) Technical Review

The Department will review the application submitted under this chapter in order to ensure to

their reasonable satisfaction that:

(1) the stationary source will be constructed or modified to operate without interfering with attainment or maintenance of a national ambient air quality standard;

(2) the stationary source will be constructed or modified to operate without violating any applicable regulation adopted by the EPA pursuant to §§ 111, 112, and 114 of the Clean Air Act as amended;

(3) the stationary source will be constructed or modified to operate without resulting in a violation of any applicable provisions of this regulation;

(4) the emission rate calculations are complete and accurate; and

(5) if the facility wishes to measure and/or monitor operating parameters rather than actual emissions, the application describes a process which will be used to ensure that the calculations are translated into enforceable limits on operational parameters rather than emissions.

(B) Proposed Action

(1) If the Department initially determines the requirements of Reg. 19.405(A) are met, they shall prepare a draft permit which:

(a) contains such conditions as are necessary to comply with this Regulation;

(b) addresses 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 paragraph (c) below; and

(c) establishes Best Available Control Technology (BACT) permitted emission rates, emission limitations or other enforceable conditions for GHG emissions pursuant to Chapter 9 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 Chapter 9 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 in order to set enforceable 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.

(2) If the Department initially determines the requirements of this chapter are not met, they shall prepare a notice of intent to deny. This notice will state the reasons for the Department's denial of the stationary source's submittal.

(3) Except as provided in Reg. 19.407, the public shall have an opportunity to comment on the Department's proposed permit decision in accordance with Reg. 19.406.

(4) Within 90 days of receipt by the Department of an initial permit application, or an application for a major modification which contains such information as required by the Department (unless said 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 within 45 days of its submittal.

(C) Final Action

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.

Reg. 19.406 Public Participation

(A) General

No permit shall be issued, denied, or modified 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.

(B) Public Availability of Information

For purposes of this section, opportunity to comment shall include, at a minimum:

(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;

(2) A 30-day period for submittal of public comment (beginning on the date of the latest newspaper notice, ending on the date 30 days later);

(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. Such notice shall, as a minimum, describe the locations at which 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;

(4) A copy of the notice, required pursuant to this subsection, shall be sent to the owner/operator and to the:

(a) Regional Administrator of the EPA;

(b) mayor of the community where the stationary source is proposed to be constructed or modified;

(c) county judge of the county where the equipment is proposed to be constructed or modified; and

(d) appropriate air pollution control agencies of adjoining states if the construction or modification of the source will impact air quality in adjoining states.

(5) 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 shall be considered by the Department prior to taking final action on the permit application.

Reg. 19.407 Permit Amendments

(A) Administrative Permit Amendments

(1) An administrative permit amendment is a permit revision that:

(a) corrects a typographical error;

(b) identifies 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;

(c) requires more frequent monitoring or reporting by the permittee;

(d) incorporates 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

(e) incorporates a change to the facility's insignificant activities list.

(2) The Department shall revise the permit as expeditiously as practicable and may incorporate such revisions without providing notice to the public.

(3) The applicant may implement the changes addressed in the request for an administrative amendment immediately upon approval.

(B) Change in Ownership

(1) Permits issued under this regulation shall remain freely transferable, provided the applicant for the transfer:

(a) notifies the Director at least thirty (30) days in advance of the proposed transfer date on such forms as the Director may reasonably require, and

(b) submits a disclosure statement in accordance with Commission Regulation 8, Administrative Procedures, or other such documents as required by the Department.

(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, that:

(a) The applicant has a history of non-compliance with the environmental laws or regulations of this state or any other jurisdiction;

(b) An applicant which 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 state; or

(c) A person with a history of non-compliance with environmental laws or regulations of this state 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 which could have an impact upon the environment.

(3) Public notice requirements shall not apply to changes in ownership or changes in name.

(C) *De Minimis* Changes

(1) A proposed change to a facility will be considered *De Minimis* if:

(a) minimal judgment is required to establish the permit requirements for the change; and

(b) the change will result in a trivial environmental impact.

(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 proposed permitted rates for all emissions units and the sum of previously permitted emission rates for all units will either:

(a) be less than the following amounts:

i. Seventy-five (75) tons per year of carbon monoxide;

ii. Forty (40) tons per year of nitrogen dioxides, sulfur dioxides, or volatile organic compounds;

iii. Twenty-five (25) tons per year of particulate matter emissions;

iv. Ten (10) tons per year of direct $PM_{2.5}$;

v. Fifteen (15) tons per year of PM_{10} emissions; and

vi. One-half (0.5) a ton per year of lead;

(b) or, result in an air quality impact less than:

Pollutant	*De Minimis* Concentration	Averaging Time
carbon monoxide	500 $\mu g/m^3$	8-hour
nitrogen dioxide	10 $\mu g/m^3$	Annual
$PM_{2.5}$	2 $\mu g/m^3$	24-hour
PM_{10}	8 $\mu g/m^3$	24-hour
sulfur dioxide	18 $\mu g/m^3$	24-hour
lead	0.1 $\mu g/m^3$	3-month

(3) A proposed change will be considered *De Minimis* if the increases are less than 75,000 tpy of CO_2e and other pollutant emission increases otherwise qualify as

De Minimis under this section.

(4) The following changes will not be considered *De Minimis* changes:

(a) any 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;

(b) any change which would result in a violation of the Clean Air Act;

(c) any change seeking to change a case-by-case determination of an emission limitation established pursuant to Best Available Control Technology (BACT), §112(g), §112(i)(5), §112(j), or §111(d) of the Clean Air Act as amended as of February 15, 1999;

(d) a change that would result in a violation of any provision of this regulation;

(e) any change in a permit term, condition, or limit that a source has assumed to avoid an applicable requirement to which the source would otherwise be subject;

(f) any significant change or relaxation to existing testing, monitoring, reporting, or recordkeeping requirements; or

(g) any proposed change which requires more than minimal judgment to determine eligibility.

(5) A source may not submit multiple applications for *De Minimis* changes that are designed to conceal a larger modification that would not be considered a *De Minimis* change. The Department will require such multiple applications be processed as a permit modification with public notice and reconstruction requirements. Deliberate misrepresentation may be grounds for permit revocation.

(6) The applicant may implement *De Minimis* changes immediately upon approval by the Department.

(7) The Department shall revise the permit as expeditiously as practicable and may incorporate *De Minimis* changes without providing notice to the public. The applicant may implement *De Minimis* changes immediately upon approval by the Department.

Reg. 19.408 Exemption from Permitting

(A) Insignificant Activities

Stationary sources and activities listed in Appendix A of this regulation shall be considered to be insignificant and will not require a permit under this chapter or be included in a source's permit.

(B) Grandfathering

Stationary sources operating prior to June 30, 1975, and which have not been modified since, will not be required to obtain a permit under this chapter.

Reg. 19.409 Transition

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.

Reg. 19.410 Permit Revocation and Cancellation

(A) Revocation

Any permit issued under this regulation is subject to revocation, suspension, or modification in whole or in part, for cause, including without limitation:

(1) Violation of any condition of the permit;

(2) Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or

(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.

(B) Cancellation

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.

Reg. 19.411 General Permits

(A) General Authority

The Department may, after notice and opportunity for public participation provided under this chapter, issue a general permit covering numerous similar sources. The criteria for the review and approval of permits under this 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 by which 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 regulation. 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.

(B) Application

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 source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

(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 in which the proposed facility is to be located.

(2) The notice required by Reg. 19.411(B)(1) 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.

(3) Should a hearing be deemed necessary by the Department, or in the event the Department desires such 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.

Reg. 19.412 Dispersion Modeling

The following shall apply when dispersion or other air quality modeling is used to meet the requirements of this chapter.

(A) General

All applications of air quality modeling involved in this chapter shall be based on the applicable models, data bases, 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 November 9, 2005 (70 FR 68228).

(B) Substitution

Where an air quality model specified in the Guideline on Air Quality Models is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where 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.

Reg. 19.413 Confidentiality

Information which constitutes a trade secret shall be held confidential and segregated from the public files of the Department if requested in writing by the permit applicant in accordance with this subsection.

(A) For purposes of this subsection, "Trade Secret" means any information, including formula, pattern, compilation, program, device, method, technique, process, or rate of production that:

(1) 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, and

(2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(B) In order to establish entitlement to confidentiality, the applicant must submit a sworn affidavit to the Department that is subject to public scrutiny which 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 Reg. 19.413(A)(1) and (2). This affidavit must also recite the following:

> "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."

If an applicant anticipates numerous permit modifications that may involve regulatory review of trade secrets, it may submit an omnibus affidavit establishing the prerequisites of Reg. 19.413(A)(1) and (2) and reference this document in future confidentiality claims.

(C) Confidentiality claims shall be afforded interim protected status until the Department determines whether the requirements of Reg. 19.413(B) are satisfied. The Department shall make such determination prior to the issuance of any permit or publication of any draft permit. In the event the Department does not make such 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.

(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.

Reg. 19.414 Operational Flexibility-Applicant's Duty to Apply for Alternative Scenarios

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 the permit applicant to 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.

Reg. 19.415 Changes Resulting in No Emissions Increases

A permitted source may make changes within the facility that contravene permit terms without a permit revision if the changes:

(A) Are not modifications under any provision of Title I of the Act;

(B) Do not exceed emissions allowable under the permit (whether expressed therein as a rate of emissions or in the terms of total emissions);

(C) Do not violate applicable requirements; and

(D) Do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;

provided that the facility provides the Department with written notification as required below in advance of the proposed changes, which shall be a minimum of 7 days, or such shorter time frame that the Department allows for emergencies. The source and the Department shall attach each such notice to their copy of the relevant permit. For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which 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.

Reg. 19.416 Permit Flexibility

(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:

(1) The permittee of the facility makes such a request in writing at least 15 days in advance of the deadline specified in the facility's permit;

(2) The extension does not violate a federal requirement;

(3) The permittee of the facility demonstrates the need for the extension; and

(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.

(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. No such activities 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:

(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;

(2) Such a request does not violate a federal requirement;

(3) Such a request is temporary in nature;

(4) Such a request will not result in a condition of air pollution;

(5) The request contains such information necessary for the Department to evaluate the request, including but not limited to, quantification of such emissions and the date and time such emission will occur;

(6) Such a request will result in increased emissions less than five tons of any individual criteria pollutant, one ton of any single HAP and 2.5 tons of total HAPs; and

(7) The permittee of the facility maintains records of the dates and results of such temporary emissions and/or testing.

(C) The Department may grant a request to allow an alternative to the monitoring specified in a facility's operating permit. No such activities 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:

(1) The permittee operator of the facility makes such a request in writing at least 30 days in advance of the first date that the monitoring alternative will be used at the facility;

(2) Such a request does not violate a federal requirement;

(3) The monitoring alternative provides an equivalent or greater degree of actual monitoring to the requirements in the facility's operating permit; and

(4) Any such request, if approved by the Department, is incorporated into the next permit modification application by the permittee of the facility.

Reg. 19.417 Registration

(A) Sources currently holding permits issued pursuant to Regulation 19 but whose emissions are below the permitting thresholds of 19.401, and above the registration thresholds of

Reg. 18.315 may elect to continue to operate under their existing Regulation 19 permit or they may submit a registration under Reg. 18.315 and request their Regulation 19 permit to be terminated. The Regulation 19 permit shall remain in effect until terminated. If a source takes no action, the Regulation 19 permit shall remain in effect.

(B) A source otherwise subject to registration under Reg. 18.315 may elect to instead operate under a permit issued in accordance with Reg. 19.402.

CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT

Reg. 19.501 Purpose

The purpose of this chapter is to define the general federally regulated air pollutant emissions limitations applicable to all equipment subject to the Plan. Stricter specific limitations may be required in applicable permits if such limitations are necessary to comply with federal law or regulations which are in effect as of the effective date of this regulation.

Reg. 19.502 General Regulations

No person shall cause or permit the construction or modification of equipment which would cause or allow the following standards or limitations to be exceeded:

(A) Any National Ambient Air Quality Standard as defined herein;

(B) Any ambient air increment pursuant to Chapter 9 of this Regulation;

(C) Any applicable emission limitation promulgated by the EPA; or

(D) Any applicable emission limitation promulgated by the Department in this regulation.

Reg. 19.503 Visible Emission Regulations

(A) 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:

(1) 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.

(B) 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:

(1) For incinerators and fuel burning equipment, 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) times during any 24-hour period.

(2) For equipment used in a manufacturing process, emissions shall not exceed 20%.

(C) Opacity of visible emissions shall be determined using EPA Method 9 (40 C.F.R. Part 60, Appendix A).

Reg. 19.504 Stack Height/Dispersion Regulations

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.

Reg. 19.505 Revised Emissions Limitation

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, the emission limitations and reporting procedures of this chapter may be amended as described below:

(A) More restrictive limitations to protect the NAAQS. In accordance with the provisions of the federal Clean Air Act, as amended, and the federal regulations promulgated pursuant to the Clean Air Act, as amended, the emission limitations and reporting procedures of this chapter or any applicable permits may be further amended and made more restrictive where the Director finds more restrictive measures are necessary to assure maintenance of the NAAQS.

(B) Less restrictive limitations. Any person subject to the emission limitations contained in this Plan 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. In no case shall the 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.

The Director shall take into account the following factors when making such determinations:

(1) The process, fuels, and raw materials available and to be employed in the facility involved;

(2) The engineering aspects of the application of various types of control techniques which have been adequately demonstrated;

(3) Process and fuel changes;

(4) The respective costs of the application of all such control techniques, process changes, alternative fuels, etc.; and

(5) Locational and siting considerations.

(C) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(D) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

CHAPTER 6: UPSET AND EMERGENCY CONDITIONS

Reg. 19.601 Upset Conditions

For purposes of this paragraph, "upset condition" shall be defined as exceedences of applicable emission limitations lasting 30 or more minutes, in the aggregate, during a 24-hour period, unless otherwise specified in an applicable permit or regulation (such as New Source Performance Standards [NSPS] regulations). 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 the Plan or applicable permit shall be deemed in violation of said Plan or permit and shall be subject to enforcement action. The Department may forego enforcement action for federally regulated air pollutant emissions given that the person responsible for the source of the excess emissions does the following:

(A) Demonstrates to the satisfaction of the Department that the emissions resulted from:

(1) equipment malfunction or upset and are not the result of negligence or improper maintenance; or

(2) physical constraints on the ability of a source to comply with the emission standard, limitation or rate during startup or shutdown;

And that all reasonable measures have been taken to immediately minimize or eliminate the excess emissions.

(B) Reports such occurrence or upset or breakdown of equipment to the Department by the end of the next business day after the discovery of the occurrence.

(C) Submits to the Department, at its request, a full report of such occurrence, including the identification of and location of the process and control equipment involved in the upset and including 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 by which said limits are exceeded and to reduce the length of time for which said limits are exceeded.

Reg. 19.602 Emergency Conditions

An "emergency" means any situation arising from the sudden and reasonably unforeseeable events beyond the control of the source, including natural disasters, which 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.

(A) An emergency constitutes a complete affirmative defense to an action brought for non-compliance with such technology-based limitations if the following conditions are met. The affirmative defense of emergency shall demonstrate through properly signed contemporaneous operating logs, or such other relevant evidence that:

(1) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(2) The permitted facility was at the time being properly operated;

(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

(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.

(B) [RESERVED]

CHAPTER 7: SAMPLING, MONITORING, AND REPORTING REQUIREMENTS

Reg. 19.701 Purpose

The purpose of this chapter 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 may be used to determine violations of applicable emission limitations.

Reg. 19.702 Air Emissions Sampling

Any stationary source subject to this regulation shall be subject to the following requirements:

(A) Sampling Ports

To provide any sampling ports, at the request of the Department, required for federally regulated air pollutant emissions sampling, including safe and easy access to such ports.

(B) Sampling

To conduct federally regulated air pollutant 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 pollutants with continuous emissions monitors.

(C) Averaging Times

All compliance testing averaging times shall be consistent with the averaging times of the applicable federally regulated air pollutant emissions limitations stated in the applicable permit, which in no case shall be greater than the minimum averaging times of the applicable NAAQS.

(D) Process Rates

Unless otherwise approved by the Department, all federally regulated air pollutant 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.

(E) Testing Time Frames

Any equipment that is to be tested, at the request of the Department, shall be tested in accordance with the following time frames:

(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;

(2) Equipment already operating shall be tested according to the time frames set forth by the Department.

(F) Testing Methods and Records

The Department shall require that all applicable testing 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 such tests shall be submitted to the Department within the time frames and on such forms as required by the Department and federal regulations. The owner or operator of the equipment shall retain the results of such 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.

Reg. 19.703 Continuous Emissions Monitoring

Any stationary source subject to this regulation shall, as required by federal law and upon request of the Department:

(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.

(B) Report the data collected by the monitoring equipment to the Department at such intervals and on such forms as the Department shall prescribe, in accordance with 40 C.F.R. Part 51, 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.

Reg. 19.704 Notice of Completion

For equipment for which a new permit or major permit modification is required, the Department shall be notified in writing within 30 days of the following events:

(A) The date of commencement of construction or modification; and

(B) The date of commencement of operation of the equipment.

Reg. 19.705 Record Keeping and Reporting Requirements

Any stationary source subject to this regulation shall, upon request by the Department:

(A) Maintain records on the nature and amounts of federally regulated air pollutants emitted to the air by the equipment in question. All records, including compliance status reports and excess emissions measurements shall be retained for at least five (5) years, and shall be made available to any agent of the Department or EPA during regular business hours.

(B) Supply the following information, correlated in units of the applicable emissions limitations, to the Department:

(1) General process information related to the emissions of federally regulated air pollutants into the air.

(2) Emissions data obtained through sampling or continuous emissions monitoring.

(C) Information and data shall be submitted to the Department by a responsible official on such forms and at such time intervals as prescribed by applicable federal regulations or the Department. Reporting periods shall be a 12 month period.

(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.

Reg. 19.706 Public Availability of Emissions Data

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.

CHAPTER 8: 111(D) DESIGNATED FACILITIES

Reg. 19.801 Purpose

The purpose of this chapter is to establish regulations for designated pollutants emitted from designated facilities in accordance with Section 111(d) of the Clean Air Act.

Reg. 19.802 Permit Emissions Limitations

No person shall cause or permit emissions from equipment located at facilities described in this chapter to be exceeded. Future permit conditions may place more stringent emissions limitations on the equipment which shall supersede the limitations of this section.

Reg. 19.803 Sulfuric Acid Plants (H_2SO_4 Mist)

(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:

(1) Sulfuric Acid Plant - 0.5 lb sulfuric acid (H_2SO_4) mist/ton 100% acid.

(2) [RESERVED]

(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.

Reg. 19.804 Kraft Pulp Mills (TRS)

(A) Affected Facilities

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.

(1) International Paper Company (AFIN 3500016) of Pine Bluff.

(2) Green Bay Packaging, Arkansas Kraft Division (AFIN 1500001) of Morrilton.

(3) Delta National Kraft (AFIN 3500017) of Pine Bluff.

(4) Georgia-Pacific Corporation (AFIN 0200013) of Crossett.

(5) Georgia-Pacific Corporation (AFIN 4100002) of Ashdown.

(6) Potlatch Corporation (AFIN 2100036) of McGehee.

(B) Compliance Testing Requirements

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.

(C) Continuous Monitoring Requirements

Any equipment located at the above designated facilities shall conduct TRS 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.

Table 19.8.1 Kraft Pulp Mill TRS Emission Limits

AFIN	Facility	Equipment	TRS Concentration (parts per million [ppm])
5200013	IP Camden	recovery furnace	40 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 gram (g)/kilogram (kg)

3500016	IP Pine Bluff	recovery furnace	40 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
1500001	Green Bay Packaging, Arkansas Kraft Division	recovery furnace	40 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
3500017	Gaylord Container, Corp.	recovery furnace	100 ppm
		lime kiln	40 ppm
		smelt dissolving tank	0.0168 g/kg
0200013	GP Crossett	recovery furnace	5 ppm
		lime kiln	8 ppm
		smelt dissolving tank	0.0168 g/kg
4100002	GP Ashdown	recovery furnace	5 ppm
		lime kiln	8 ppm
		smelt dissolving tank	0.0168 g/kg
2100036	Potlatch McGehee	recovery furnace	5 ppm
		lime kiln	20 ppm
		smelt dissolving tank	0.0168 g/kg

Recovery Furnaces – measured as hydrogen sulfide (H_2S) on a dry basis and on a twelve (12) hour average, corrected to 8% by volume oxygen.

Lime Kilns – measured as H_2S on a dry basis and on a twelve (12) hour average, corrected to 10% volume oxygen.

Smelt Dissolving Tanks – measured as grams H_2S/kg black liquor solids on a twelve (12) hour average.

Digesters and Evaporators – efficient incineration of non-condensable gases (at least 1200°F for at least one-half (0.5) second).

CHAPTER 9: PREVENTION OF SIGNIFICANT DETERIORATION

Reg. 19.901 Title

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 *et seq.*, 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."

Reg. 19.902 Purposes

Promulgation and enforcement of these PSD Regulations is intended to further the purposes of the Plan and the Regulations of the Plan, 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.

Reg. 19.903 Definitions

(A) "Advance notification" (of a permit application) means any written communication which establishes the applicant's intention to construct, and which provides the Department with sufficient information to determine that the proposed source may constitute a major new source or major modification, and that such source may affect any mandatory Class I federal area, including, but not limited to, submittal of a draft or partial permit application, a PSD monitoring plan, or a sufficiently detailed letter. "Advance notification" does not include general inquiries about the Department's regulations.

(B) "Regulated NSR Pollutant," for purposes of this chapter, means the following:

(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 this paragraph (B)(1) as a constituent or precursor for such pollutant. Precursors identified by the Department for purposes of NSR are the following:

(a) Volatile organic compounds and nitrogen oxides are precursors to ozone in all attainment and unclassifiable areas.

(b) Sulfur dioxide is a precursor to $PM_{2.5}$ in all attainment and unclassifiable areas.

(c) Nitrogen oxides are presumed to be precursors to $PM_{2.5}$ 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 $PM_{2.5}$ concentrations.

(d) Volatile organic compounds are presumed not to be precursors to $PM_{2.5}$ 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 $PM_{2.5}$ concentrations.

(2) Any pollutant that is subject to any standard promulgated under Section 111 of the Act as of July 27, 2012;

(3) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act;

(4) Any pollutant that otherwise is subject to regulation under the Act;

(5) Notwithstanding paragraphs (B)(1) through (4) of this section, the term *regulated NSR pollutant* shall not include any or all hazardous air pollutants either listed in Section 112 of the Act, or added to the list pursuant to Section 112(b)(2) of the Act, and which have not been delisted pursuant to Section 112(b)(3) of the Act, unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under Section 108 of the Act as of July 27, 2012; and

(6) $PM_{2.5}$ emissions and PM_{10} emissions shall include gaseous emissions from a

source or activity, which 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 $PM_{2.5}$, and PM_{10} in PSD permits. Compliance with emissions limitations for $PM_{2.5}$, and PM_{10} 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 chapter.

(C) For the purpose of this chapter, "subject to regulation" means, for any air pollutant, that the pollutant is subject to either a provision of the federal 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 such 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.

(D) All other terms used herein shall have the same meaning as set forth in Chapter 2 of Regulation 19 or in 40 C.F.R. § 52.21(b) [PSD] and 40 C.F.R. § 51.301 [Protection of Visibility] as of October 20, 2010, and adopted in Reg. 19.904, unless manifestly inconsistent with the context in which they are used. Wherever there is a difference between the definitions in Chapter 2 of Regulation 19 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 Reg. 19.904 and Reg. 19.903(A), (B) and (C), and 40 C.F.R. § 51.301 as of October 20, 2010, shall apply.

(E) The definition for "routine maintenance, repair and replacement" in 40 C.F.R. § 52.21(b)(2)(iii)(a) is not incorporated.

Reg. 19.904 Adoption of Regulations

(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 paragraphs (B), (C), (D), (E), (F), and (G) of Reg. 19.904, the Arkansas Department of Environmental Quality shall have those responsibilities and that authority, with reference to the State of Arkansas, granted to the Administrator of the EPA 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:

(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 Reg. 19.904 shall apply;

(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);

(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;

(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) [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;

(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.

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.

(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 Plan under the Governor's signature constitutes a request by the Governor for this exclusion.

(C) In addition to the requirements of 40 C.F.R. § 52.21(o) as of November 29, 2005, the following requirements [designated as Reg. 19.904(C)(1),(2),(3) and (4)] shall also apply:

(1) Where air quality impact analyses required under this part indicate that the issuance of a permit for any major stationary 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 for such a permit shall submit to the Department an assessment of the following factors:

(a) Effects that the proposed consumption would have upon the industrial and economic development within the area of the proposed source; and

(b) Alternatives to such consumption, including alternative siting of the proposed source or portions thereof.

(2) The assessment required under subparagraph (1) above 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.

(3) The assessment required under subparagraph (1) above 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.

(4) The assessment required under subparagraph (1) above may be made effective where a proposed source would cause an increment consumption less than that specified in said subparagraph if the Director finds that unusual circumstances exist in the area of the proposed source which warrant such an assessment. The Director shall notify the applicant in writing of those circumstances which warrant said 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 the aforecited assessment.

(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:

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 shall be made by the Department, based on screening criteria agreed upon by the Department and the Federal Land Manager.

(E) In all instances wherein the aforesaid 40 C.F.R. § 51.301 and 40 C.F.R. § 52.21 refer to the Administrator or the Environmental Protection Agency, the reference, for the purposes of paragraph (A) of Reg. 19.904, shall be deemed to mean the Arkansas Department of Environmental Quality, unless the context plainly dictates otherwise, except in the following sections:

(1) Exclusion from increment consumption: 40 C.F.R. §§ 52.21(f)(1)(v), (f)(3), and (f)(4)(I);

(2) Redesignation: 40 C.F.R. §§ 52.21(g)(1), (g)(2), (g)(4), (g)(5), and (g)(6);

(3) Air quality models: 40 C.F.R. § 52.21(l)(2).

(F) Redesignation of air quality areas in Arkansas shall comply with Ark. Code Ann.§ 8-3-101 *et seq*.

(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 Reg.19.904(A). The following definitions and requirements shall also apply:

(1) "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, shall not be

subject to regulation except as provided in Reg. 19.904(G)(4) through Reg.19.904(G)(5), and shall not be subject to regulation if the stationary source:

(a) Maintains its total source-wide emissions below the GHG plantwide applicability limitations (hereinafter "PAL") level;

(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 Reg. 19.904(A)(1); and

(c) Complies with the PAL permit containing the GHG PAL.

(2) For purposes of Reg. 19.904(G)(3) through Reg.19.904(G)(5):

(a) The term tons per year (tpy) "CO_2 equivalent emissions" (CO_2e) shall represent an amount of GHGs emitted, and shall be computed as follows:

(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

(ii) Sum the resultant values from Reg. 19.904(G)(2)(a) for each gas to compute a tpy CO_2e.

(3) The term "emissions increase" as used in Reg. 19.904(G)(4) through Reg. 19.904(G)(5) 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 pollutant GHGs, an emissions increase shall be based on tpy CO_2e, and shall be calculated assuming the pollutant GHGs is a regulated NSR pollutant, and "significant" is defined as 75,000 tpy CO_2e instead of applying the value in 40 C.F.R. § 52.21(b)(23)(ii), as of November 29, 2005.

(4) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

(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 tpy CO_2e or more; or

(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 increase of GHGs of 75,000 tpy CO_2e or more.

(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:

(a) At a new stationary source that will emit or have the potential to emit 100,000 tpy CO_2e or more; or

(b) At an existing stationary source that emits or has the potential to emit 100,000 tpy CO_2e 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_2e or more.

CHAPTER 10: REGULATIONS FOR THE CONTROL OF VOLATILE ORGANIC COMPOUNDS IN PULASKI COUNTY

Reg. 19.1001 Title

This chapter, adopted in accordance with the provisions of the Arkansas Water and Air Pollution Control Act [Arkansas Code Annotated Sections 8-4-101 *et seq.*, as amended] and pursuant to the provisions of the federal Clean Air Act, shall be known as the Regulations for the Control of Volatile Organic Compounds.

Reg. 19.1002 Purpose

The Regulations for the Control of Volatile Organic Compounds are designed to provide for the attainment and maintenance of the National Ambient Air Quality Standards for ozone in those areas of Arkansas which have been designated as nonattainment areas by the EPA pursuant to the federal Clean Air Act and are further designed to bring the Arkansas Plan of Implementation for Air Pollution Control into compliance with the provisions of said Act.

Reg. 19.1003 Definitions

When used in these Regulations for the Control of Volatile Organic Compounds, the following definitions apply. Terms and phrases used in this chapter which are not explicitly defined herein shall have the same meaning as those terms used in Chapter 2 of Regulation 19 or, if not defined in Chapter 2 of Regulation 19, as those terms defined in the federal Clean Air Act.

Unless manifestly inconsistent therewith, terms and phrases used herein shall have the same meaning as used in the Arkansas Water and Air Pollution Control Act and the federal Clean Air Act.

"Clear coat" means a coating which lacks color and opacity.

"Coating application system" means all operations and equipment which applies, conveys, and dries a surface coating.

"Control Technique Guideline" means any of the guideline series documents describing an emission control technology for a specific source or category of sources; which documents being published by the EPA.

"Cutback asphalt" means asphalt cement which has been liquefied by blending with petroleum solvents (diluents). Upon exposure to atmospheric conditions, the diluents evaporate, leaving the asphalt cement to perform its function.

"Crude oil" means a naturally occurring mixture consisting of hydrocarbons and/or sulfur, nitrogen, and/or oxygen derivatives of hydrocarbons and which is a liquid in the reservoir and at standard conditions.

"Custody transfer" means the transfer of produced crude oil and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

"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 tanks of gasoline dispensing facilities.

"Existing source" means any source of volatile organic compounds other than a new source.

"External floating roof" means a storage vessel cover in an open tank top consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank shell.

"Extreme performance coating" means coatings designed for harsh exposure or extreme environmental conditions.

"Gasoline" means a petroleum distillate having a Reid vapor pressure of 27.6 kilopascals (kPa) (4 pounds per square inch [psi]) or greater that is used as fuel for internal combustion engines.

"Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

"Gasoline tank truck" 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 or to gasoline bulk facilities.

"Liquid-mounted" means a primary seal mounted so the bottom of the seal covers the liquid surface between the tank shell and the floating roof.

"Low solvent coating" means coatings which contain less organic solvent than the conventional coatings used by the industry. Low solvent coatings include water borne, high solids, electrodeposition and powder coatings.

"Lowest Achievable Emission Rate" (LAER) means for any source, that rate of emissions which reflects the most stringent emission limitation which is contained in the implementation plan of any State for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or the most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable New Source Standards of Performance.

"Major source" means any stationary source which has the potential to emit 100 tons or more per year of volatile organic compounds.

"Modification" means any physical change in, or change in the method of operation of, a stationary source which increases the amount of any volatile organic compound emitted by such source or which results in the emission of any other volatile organic compound not previously emitted.

"New source" means any stationary source of volatile organic compounds, the construction or modification of which is commenced after July 1, 1979.

"New Source Standard of Performance" (NSPS) means those standards which are adopted by the EPA pursuant to the provisions of Section 111 of the federal Clean Air Act [NSPS, 40 CFR Part 60].

"Operator" means any person who leases, operates, controls, or supervises any source, facility or equipment affected by these regulations.

"Owner" means any person who has legal or equitable title to any source, facility, or equipment affected by these regulations.

"Person" means any individual or other legal entity or their legal representative or assignee.

"Prime coat" means the first of two or more films of coating applied to a metal surface.

"Reasonably Available Control Technology" (RACT) means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar, but not necessarily identical source categories.

"Single coat" means one film coating applied to a metal surface.

"Top coat" means the final film or series of films or coatings applied in a two coat (or more) operation.

"True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute (API) Bulletin 2517, Evaporation Loss from External Floating Roof Tanks, 1980. The API procedure may not be applicable to some high viscosity or high pour crudes. Available estimates of true vapor pressure may be used in special cases such as these.

"Vapor collection system" means a vapor transport system which used direct displacement by the gasoline being transferred to force vapors from the vessel being loaded into either a vessel being unloaded or a vapor control system or vapor holding tank.

"Vapor control system" means a system that prevents release to the atmosphere of gasoline vapors in excess of 80 milligrams per liter of gasoline loaded (4.7 grains per liter).

"Vapor-mounted" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank shell, the liquid surface, and the floating roof.

Reg. 19.1004 General Provisions

(A) Applicability and Effective Dates

(1) Sources which are subject to provisions of the Regulations for the Control of Volatile Organic Compounds include:

(a) Any source for which controls are governed by Reg. 19.1005 hereof;

(b) Any source which is subject to the terms of a Commission order issued pursuant to Reg. 19.1004(D)(1) hereof, and

(c) Any new major source.

(2) The provisions of Chapter 10, the Regulations for the Control of Volatile Organic Compounds, shall be limited to sources located in Pulaski County, except as provided in Reg. 19.1004(D)(1) and shall go into full force and effect on the effective date provided, however, that the provisions of Reg. 19.1004(D)(1) shall go into full force and effect on April 1, 1979. The effective date for Reg. 19.1005(A)(B) and (C) is July 1, 1979, and for Reg. 19.1005(D) and (E) is October 1, 1980. The effective date for Reg. 19.1005(F) is April 1, 1981.

(B) Exemptions and Variances

(1) [RESERVED]

(2) The requirements of Reg. 19.1005 are based upon information presented in the Control Technique Guidelines as published by the EPA and are intended to be consistent with Reasonably Available Control Technology. The owner or operator of equipment affected by the provisions of Reg. 19.1005 may be granted a variance from the specific provisions of such section provided that such owner or operator can demonstrate to the reasonable satisfaction of the Commission that full and strict compliance is technologically or economically infeasible or that alternative techniques to be employed by such owner or operator will result in substantially the same environmental benefits as would be achieved with full and strict compliance with the provisions of Reg. 19.1005. In no event, however, shall the Commission issue variances from the requirements of Reg. 19.1005 if

such variances will prevent reasonable further progress for the attainment and maintenance of the National Ambient Air Quality Standards for ozone.

(C) Toxic Compounds

The Regulations for the Control of Volatile Organic Compounds are not intended as appropriate controls for sources which emit volatile organic compounds which are hazardous air pollutants.

(D) Determination of Reasonably Available Control Technology

(1) Where the Department proposes the existence of Reasonably Available Control Technology for existing sources, other than the sources for which the provisions of Reg. 19.1005 are applicable, the Department shall give public notice of such determination and shall, in such notice, describe the nature of such technology and shall list by size, type, source, category or by individual source name, the affected sources. The public notice shall also give notice of public hearing concerning the subject proposals. If, after review of the information produced through the public hearing process, the Department determines that such technology does exist and that the application of such technology is necessary to maintain reasonable further progress toward the attainment and maintenance of the National Ambient Air Quality Standards for ozone, the Department shall issue an order requiring the installation of such technology.

(2) Any order issued pursuant to Reg. 19.1004(D)(1) above may require the owner or operator of sources affected by such order to file such schedules and reports as the Department feels necessary to assure that the subject technology is placed into operation as expeditiously as practicable. The terms of such orders may be modified where the Department finds that such modifications are necessary to avoid economic hardship and where such modification would not interfere with reasonable further progress toward the attainment of the previously cited standards.

(E) Permits and Compliance Schedules

(1) Existing Sources:

(a) No person shall cause or permit the operation or use of an existing source to which any provision of Reg. 19.1005 applies unless the owner or operator of such source shall have submitted to the Department, prior to the applicable date below, a compliance schedule indicating what steps have been, or will be taken to bring the operation of such source into compliance with the provisions of Reg. 19.1005. The compliance schedule shall be of such form and contain such information as the Department may reasonably require. The applicable date for Reg. 19.1005(A)(B) and (C) is October 1, 1979. The applicable date for Reg. 19.1005(D) and (E) is January 1, 1981. The applicable date for Reg. 19.1005(F) is May 15, 1981.

(b) No person shall cause the operation or use of an existing source which is affected by any provision of Reg. 19.1005 after the approval date if a compliance schedule of such source under Subsection (a) above has been disapproved by the Department. No compliance schedule for any source shall be approved by the Department unless the Department finds that the controls proposed by the owner or operator will be installed, placed in operation, and that the source will be in compliance with the provisions of Reg. 19.1005 prior to the final compliance date. Extensions beyond the final compliance date may be granted by the Department provided the Department finds that such extensions are necessary to avoid economic hardship and that such extensions will not prevent reasonable further progress toward the attainment of the National Ambient Air Quality Standards for ozone. The approval date for Reg. 19.1005(A)(B) and (C) is February 1, 1981 and for Reg. 19.1005(D)(E) and (F) is February 1, 1982. The final compliance date for Reg. 19.1005(A)(B) and (C) is June 1, 1981, for Reg. 19.1005(D) is March 1, 1982, and for Reg. 19.1005(E) and (F) is July 1, 1982.

(c) No person shall cause or permit the operation of an existing source in a manner which violates the terms of a compliance schedule which has been approved or amended by the Department or which violates the terms of a Department order issued pursuant to the provisions of Reg. 19.1004(D)(1).

(2) New Sources:

Except as provided herein, no person shall commence the construction, installation, or modification of a new source after July 1, 1979, unless that person has first received a permit from the Department. Application for permit shall be of such form and contain such information as the Department may reasonably require.

(a) New Major Sources: No permit shall be issued for the construction, installation or modification of a new major source after July 1, 1979, unless the Department determines the following conditions to have been met:

(i) The emissions resulting from the proposed source when considered together with all other existing and proposed emissions of volatile organic compounds in Pulaski County will not cause or contribute to emission levels which exceed the allowance permitted for volatile organic compounds under the Arkansas Plan of Implementation for Air Pollution Control, as revised to comply with the provisions of the Clean Air Act.

(ii) The emissions resulting from the proposed new major source will comply with the requirements of the FCAA which are in effect as of the effective date of this regulation.

(iii) The owner or operator of the proposed new or modified major source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Arkansas are in compliance, or on a schedule of compliance with all applicable emission limitations and standards under the federal Clean Air Act, including the Arkansas Plan of Implementation for Air Pollution Control.

(iv) A permit may be issued to a new major source which would otherwise cause or contribute to emission levels which exceed the

allowable levels for Pulaski County, as described in the State Implementation Plan for Air Pollution Control, as amended, if the owner or operator of that source first submits legally binding agreements to the Department which reflect emission reductions from other sources in Pulaski County, or from sources within seventy-two (72) miles of the North Little Rock Municipal Airport, which would more than offset the emissions from such proposed new major source. Emission reductions claimed by such owner or operator may not include those emission reductions in Pulaski County which are necessary to reduce the total volatile organic compound emission to the allowable level in Pulaski County.

(b) Other New Sources:

(i) No permit shall be issued for a new source of the size, type, class, or category for which the provisions of Reg. 19.1005 apply unless the Department finds that such new source incorporates Reasonably Available Control Technology developed for the kind and amount of volatile organic compounds to be emitted by the source and that, as a minimum, the source will be designed, constructed and operated such that the emissions therefrom, will not exceed the allowable emission rate provided by such section for existing sources.

(ii) No permit shall be issued for a new source of the size, type, class or category for which a Department Order has been issued pursuant to Reg. 19.1004(D)(1), unless the Department finds that such source incorporates Reasonably Available Control Technology developed for the kind and amount of volatile organic compounds to be emitted by such source and that, as a minimum, the source will be designed, constructed, and operated such that the emissions therefrom will not exceed the rate required of existing sources by such order.

(F) Testing and Reporting Requirements

(1) Any person owning or operating sources which are affected by the provisions of the Regulations for the Control of Volatile Organic Compounds shall, upon the request of the Director, furnish such information as may be required to demonstrate compliance with said Regulations. For purposes of this chapter, the provisions of Chapter 7 of the Regulations of the Arkansas Plan of Implementation for Air Pollution Control shall apply.

(2) For purposes of administering the provisions of the Regulations for the Control of Volatile Organic Compounds, the Director shall not be limited to the results obtained from emission tests but may, where appropriate, determine the compliance status of any source with respect to the emission limitations contained herein by the results of engineering evaluations, by inspection reports or by such information submitted, and certified, by the source owner or operator. For purposes of this chapter, a source may be deemed to be in compliance with the emission limitations of said Regulations if the equipment of such source is designed and operated in accordance with the provisions of Reg. 19.1005 or, where Reg. 19.1005 is not applicable, is designed and operated in accordance with the provisions of a Department Order or a permit issued hereunder, provided however, where an emission limitation is applicable to a certain source and where emission testing has been conducted in a manner approved by the Department and where such test demonstrate compliance with such limitations, the source shall be deemed to be in compliance with such limitations.

(3) To test the leak tightness of gasoline tank trucks as required in Reg. 19.1005(D), the following method and procedures should be followed:

(a) The owner or operator shall, at his or her own expense demonstrate compliance with Reg. 19.1005(D) by the methods of Part 3 of this subsection or an alternative method approved by the Director.

(b) The owner or operator of a tank truck subject to this regulation must notify the Director in writing of the date and location of a certification test at least thirty (30) days before the anticipated test date.

(c) Test procedures to determine compliance with Reg. 19.1005(D) must be approved by the Director and consistent with the test procedures described in Appendix A or C of the OAQPS Guideline Series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA-450/2-78-051.

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures described in Appendix B of the OAQPS Guideline Series document, "Control of Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", EPA-450/2-78-051.

(4) To test for compliance with Reg. 19.1005(E) procedures outlined in EPA guideline series document "Measurement of Volatile Organic Compounds," EPA-450/2-78-041 and Appendix A of "Control of Volatile Organics from Existing Stationary Sources--Volume II--Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light Trucks," EPA 450/2-77-008 shall be used.

(5) To test for compliance with Reg. 19.1005(F) a visual inspection must be conducted at an interval not to exceed one year. For tanks with vapor mounted primary seals, the secondary seal gap area should be determined by measuring the length and width of the gaps around the entire circumference of the secondary seal. Only gaps greater than or equal to 0.32 centimeter (cm) (1/8 inch) shall be used in computing the gap area. The area of the gaps shall be accumulated to determine the compliance with Reg. 19.1005(F)(1)(b). This data along with records of the throughput and type of volatile petroleum liquids for each vessel should be maintained by the owner or operator.

(G) Circumvention

(1) No owner or operator subject to these Regulations may build, erect, install, or use any article, machine, equipment, process or method, the use of which conceals an emission which would otherwise constitute a violation of these Regulations.

(2) The provisions of Reg. 19.1004(G)(1) above include, but are not limited to, the

use of gaseous diluents to achieve compliance and the piecemeal carrying out of an operation to avoid coverage by a Regulation that applies only to operations larger than a specified size.

(H) Malfunctions, Breakdowns, Upsets

(1) Emissions in excess of these Regulations which are temporary and result solely from a sudden and unavoidable breakdown, malfunction or upset of process or emission control equipment, or sudden and unavoidable upset of operation will not be considered a violation of these Regulations provided:

(a) the owner or operator notifies the Department of any such occurrence by the end of the next business day of the occurrence; and

(b) the owner or operator demonstrates to the Director that the suggested period of time for correction is as expeditious as practicable; and

(c) the breakdown or upset is determined by the Director to be unavoidable and not the result of negligence; and

(d) within five (5) days after the beginning of the occurrence, a written report is submitted to the Director which includes the cause and nature of the event, estimated quantity of volatile organic compounds emitted, time of emission and to prevent recurrence; and

(e) the Director is immediately notified when corrective measures have been accomplished.

(2) [RESERVED]

Reg. 19.1005 Provisions for Specific Processes

(A) Gasoline Storage and Marketing

(1) No person shall cause or permit the loading of gasoline into a storage tank of a gasoline storage or marketing facility with a monthly throughput in excess of 10,000 gallons except through a submerged fill pipe or by bottom loading. This provision shall not apply to storage tanks of less than 4,000 liter capacity (approximately 1,000 gallons).

(2) No person shall cause or permit the operation of a gasoline bulk facility of less than 87,000 liters (23,000 gallons) per day throughput unless all gasoline delivery vessels are loaded by submerged fill pipe or bottom filling.

(3) No person shall cause or permit the operation of a gasoline bulk facility having a daily throughput equal to greater than 87,000 liters (23,000 gallons) per day unless a vapor control system is in place, is properly maintained and is used to prevent gasoline vapors from being emitted into the atmosphere at a rate in excess of 80 milligrams per liter of gasoline loaded (4.7 grains per gallon).

(B) Petroleum Liquid Storage

(1) No person shall cause or permit the storage of volatile organic compounds having a true vapor pressure in excess of 10.5 kilopascals (1.52 pounds-force per square inch [psia]) in tanks having a capacity equal to or greater than 150,000 liters (approximately 39,000 gallons) unless such tanks:

(a) meet the equipment specifications and maintenance requirements of the federal Standards of Performance for New Stationary Sources—Storage Vessels for Petroleum Liquids, 40 CFR 60.110, as amended by proposed rule change, *Federal Register*, May 18, 1978, pages 21617 through 21625; or

(b) are retrofitted with a floating roof or internal floating cover using a non-metallic resilient seal as a primary seal which meets the equipment specifications in the federal standards referred to in Reg. 19.1005(B)(1)(a), or its equivalent, or

(c) have a covered floating roof or internal floating cover which is maintained in effective working order and which meets the manufacturer's equipment specifications in effect at the time it was installed.

(2) All seals necessary to meet the requirements of Reg. 191005(B)(1)(b) and (c) are to be maintained in good operating condition.

(3) All openings, except stub drains and those related to safety, are to be sealed with suitable closures when not in use.

(C) Cutback Asphalt

No person shall mix, use or apply cutback asphalt for roadway paving except where the cutback asphalt is used solely as a penetrating prime coat or when the maximum ambient temperature on the day of application is less than 15 degrees Celsius (^{0}C) (59 degrees Fahrenheit [^{0}F]).

(D) Gasoline Tank Trucks and Vapor Collection Systems

(1) No person shall allow a gasoline tank truck subject to this regulation to be filled or emptied unless the gasoline tank truck:

(a) is tested on a schedule acceptable to the Director according to the test procedure referenced in Reg. 19.1004(F)(3);

(b) sustains a pressure change of no more than 750 pascals (3 inches of water [in. of H_2O]) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 in. of H_2O) or evacuated to a gauge pressure of 1,500 pascals (6 in. of H_2O) during the testing required in Reg. 19.1005(D)(1)(a); and

(c) is repaired by the owner or operator and retested within 15 days of testing if it does not meet the criteria of Reg. 19.1005(D)(1)(b). subparagraph (1)(b) of this chapter.

(2) The owner or operator of a vapor collection system subject to this regulation shall:

(a) Design and operate the vapor collection system and the gasoline loading equipment in a manner that prevents:

(i) Gauge pressure from exceeding 4,500 pascals (18 in. of H_2O) and vacuum from exceeding 1,500 pascals (6 in. of H_2O) in the gasoline tank truck;

(ii) A reading equal to or greater than 100 percent of the lower explosive limit (LEL, measured as propane) at 2.5 centimeters from all points on the perimeter of a potential leak source when measured by the method referenced in Reg. 19.1004(F)(3) during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals; and

(iii) Avoidable visible liquid leaks during loading or unloading operations at gasoline dispensing facilities, bulk plants and bulk terminals.

(b) Within 15 days, repair and retest a vapor collection or control system that exceeds the limit in supporting Reg. 19.1005(D)(2)(a)(ii) above.

(3) The Director may, at any time, monitor a gasoline tank truck, vapor collection system, or vapor control system by the method referenced in Reg. 19.1004(F)(3) to confirm continuing compliance with Reg. 19.1005(D)(1) or (2) of this section.

(E) Surface Coating of Metal Parts and Products

(1) No owner or operator of a major source engaged in the surface coating of miscellaneous metal parts and products may operate a coating application system subject to this regulation that emits VOC in excess of:

(a) 0.52 kg/liter (l) 4.3 pounds per gallon [lb/gal]) of coating, excluding water, delivered to a coating applicator that applies clear coatings;

(b) 0.42 kg/l (3.5 lb/gal) of coating, excluding water, delivered to a coating applicator in a coating application system that utilizes air or forced air dryers;

(c) 0.42 kg/l (3.5 lb/gal) of coating, excluding water, delivered to a coating applicator that applies extreme performance coatings;

(d) 0.36 kg/l (3.0 lb/gal) of coating, excluding water, delivered to a coating applicator for all other coatings and coating application systems; and

(e) The above emission limitations shall include all VOC emissions from both coating and solvent washing unless the solvent is directed into containers that prevent evaporation.

(2) If more than one emission limitation in Reg. 19.1005(E)(1) applies to a specific coating, then the most stringent emission limitation shall be applied.

(3) The emission limits set forth in Reg. 19.1005(E)(1) shall be achieved by:

(a) The application of low solvent coating technology;

(b) An incineration system which oxidizes at least 90.0 percent of the non-methane VOC measured as total combustible carbon to carbon dioxide and water; or

(c) An equivalent means of VOC removal. The equivalent means must be certified by the owner or operator and approved by the Director.

(4) A capture system must be used in conjunction with the emission control system in Reg. 19.1005(E)(3)(b) and (c). The design and operation of a capture system must be consistent with good engineering practice, and shall be required to provide for an overall VOC emission reduction efficiency of at least 80 percent.

(F) External Floating Roof

(1) No person shall cause or permit the storage of volatile organic compounds having a true vapor pressure in excess of 10.5 kilo pascals (1.52 psia) in tanks having a capacity equal to or greater than 150,000 liters (approximately 39,000 gallons) equipped with an external floating roof unless:

(a) The storage tank has been fitted with a continuous secondary seal extending from the floating roof to the tank wall (rim mounted) or an control device with an effectiveness equal to or greater than the secondary seal;

(b) All seal closure devices meet the following requirements:

(i) There shall be no visible holes, tears, or other openings in the seals or seals fabric;

(ii) The seals must be intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank walls; and

(iii) For vapor mounted seals, the gap area between the secondary seal and the tank wall shall not exceed 21.2 square centimeters per meter of inside tank diameter (1.0 square inch per foot of inside tank diameter);

(c) All openings in the external floating roof except for automatic bleeder vents, rim space vents, and leg sleeves provide a projection below the liquid surface and are sealed with a suitable closure when not in use;

(d) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(e) Rim vents are set to open only when the roof is being floated off the leg supports or at the manufacturer's recommended settings; and

(f) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least 90 percent of the area of the opening.

(2) The following are specifically exempted from the requirements of this subsection:

(a) External floating roof tanks having capacities less than 1,600,000 liters (10,000 barrels [bbls]) used to store produced crude oil and condensate prior to custody transfer;

(b) A metallic-type shoe seal in a welded tank which has a secondary seal from the top of the shoe to the tank wall (a shoe-mounted secondary); and

(c) External floating roof tanks storing waxy, heavy pour crudes.

Reg. 19.1006 Severability

If any provision of the Regulations for the Control of Volatile Organic Compounds or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Regulations for the Control of Volatile Organic Compounds which can be given effect without the invalid provision or application, and to this end, the provisions of the Regulations for the Control of Volatile Organic Compounds are declared to be severable.

CHAPTER 11: MAJOR SOURCE PERMITTING PROCEDURES

Facilities subject to Arkansas Pollution Control and Ecology Commission's Regulation 26, Regulations of the Arkansas Operating Air Permit Program, (Regulation 26) shall be required to have their permit applications processed in accordance with the procedures contained in Regulation 26 which are hereby incorporated by reference.

CHAPTER 12: [RESERVED]

CHAPTER 13: STAGE I VAPOR RECOVERY

Reg. 19.1301 Purpose

The purpose of this chapter is to limit emissions of VOC from gasoline stored in stationary dispensing tanks and from gasoline delivered into such tanks.

Reg. 19.1302 Applicability

This rule applies to all gasoline dispensing facilities and gasoline service stations and to delivery vessels delivering gasoline to a gasoline dispensing facility or gasoline service station in a nonattainment area; and this rule applies to all persons owning or operating a gasoline distribution facility or gasoline service station in a nonattainment area.

Reg. 19.1303 Definitions

(A) "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.

(B) "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 facilities.

(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.

(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).

(E) "Gasoline dispensing facility" means any site where gasoline is dispensed to motor vehicle gasoline tanks from stationary storage tanks.

(F) "Gasoline service station" means any gasoline dispensing facility where gasoline is sold to the motoring public from stationary storage tanks.

(G) "Independent small business marketer" means a person engaged in the marketing of gasoline unless such person:

(1) (a) is a refiner, or

(b) controls, is controlled by, or is under common control with, a refiner, or

(c) 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 such refiner or any such person; or

(2) receives less than 50 percent of his or her annual income from refining or marketing of gasoline.

(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.

(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.

(I) "Line" means any pipe suitable for transferring gasoline.

(J) "Nonattainment area" means a county or counties designated by EPA as not meeting the NAAQS for ozone.

(K) "Operator" means any person who leases, operates, controls, or supervises a facility at which gasoline is dispensed.

(L) "Owner" means any person who has legal or equitable title to the gasoline storage tank at a facility.

(M) "Poppeted vapor recovery adaptor" means a vapor recovery adaptor that automatically and immediately closes itself when the vapor return line is disconnected and maintains a tight seal when the vapor return line is not connected.

(N) "Stationary storage tank" means a gasoline storage container that is a permanent fixture.

(O) "Submerged fill pipe" means any fill pipe with a discharge opening which is entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid, or which is entirely submerged when the level of the liquid is:

(1) Six inches above the bottom of the tank if the tank does not have a vapor recovery adaptor; or

(2) 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) "Throughput" means the amount of gasoline dispensed at a facility.

(Q) "Vapor tight" means a condition in which an organic vapor analyzer or a combustible gas detector at a potential VOC 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.

Reg. 19.1304 Exemptions

This rule does not apply to:

(A) Transfers made to storage tanks at gasoline dispensing facilities or gasoline service stations equipped with floating roofs or their equivalent.

(B) Stationary storage tanks with a capacity of not more than 550 gallons, if the tanks are equipped with a submerged fill pipe.

(C) Stationary storage tanks used exclusively for the fueling of implements of normal farm operations.

(D) Facilities selling less than 10,000 gallons of gasoline per month.

(E) Independent small business marketers of gasoline selling less than 50,000 gallons per month.

(F) Any other facility or use exempted by state or federal statute.

Reg. 19.1305 Prohibited Activities

No person may cause, allow or permit the transfer of gasoline from any delivery vessel into any stationary storage tank unless such transfer complies with the following requirements:

(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;

(B) The vapor control system is in good working order and is connected and operating with a vapor tight connection;

(C) The vapor control system is properly maintained and any damaged or malfunctioning components or elements of design have been repaired, replaced or modified;

(D) Gauges, meters, or other specified testing devices are maintained in proper working order;

(E) All loading lines and vapor lines of delivery vessels and vapor collection systems are equipped with fittings which are leak tight and vapor tight;

(F) All hatches on the delivery vessel are kept closed and securely fastened; and

(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.

Reg. 19.1306 Record Keeping

The following records shall be maintained for not less than two (2) years and the same shall be made available for inspection by the Department:

(A) The scheduled date for maintenance and testing, and the date that a malfunction was detected;

(B) The date the maintenance and testing was performed or the malfunction corrected; and

(C) The date the component or element of design of the control system was repaired, replaced, or modified.

(D) Monthly totals of gallons of gasoline sold by the facility.

Reg. 19.1307 Inspections

(A) The premises of any gasoline dispensing facility or gasoline service station shall be available for inspection by representatives of the Department.

(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.

Reg. 19.1308 Vapor Recovery Systems

(A) The vapor control system required by Reg. 19.1305 of this rule shall include one or more of the following:

(1) A vapor-tight line from the stationary storage tank to the delivery vessel and:

(a) For a coaxial vapor recovery system, either a poppeted or unpoppeted vapor recovery adaptor;

(b) For a dual point vapor recovery system, a poppeted vapor recovery adaptor;

(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 vapor.

(B) If an unpoppeted vapor recovery adaptor is used, the tank liquid fill connection 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.

(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.

(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.

(E) Vent lines on stationary storage tanks shall have pressure release valves or restrictors.

Reg. 19.1309 Gasoline Delivery Vessels

(A) Gasoline delivery vessels shall be designed and maintained to be vapor-tight during loading and unloading operations and during transport.

(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.

(C) Gasoline delivery vessels shall sustain a pressure change of no more than 750 pascals (3 in. of H_2O) in five minutes when pressurized to a gauge pressure of 4,500 pascals (18 in. of H_2O) or evacuated to a gauge pressure of 1,500 pascals (6 in. of H_2O) during testing.

Reg. 19.1310 Owner/Operator Responsibility

(A) It shall be the responsibility of owners and operators of gasoline dispensing facilities and gasoline service stations to assure compliance with this rule and to disallow the transfer from any delivery vessel that does not comply with those requirements of this rule applicable to delivery vessels.

(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.

(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 tanks regulated herein.

(D) It shall be the responsibility of owners and operators of gasoline dispensing facilities, gasoline service stations, and gasoline delivery vehicles to repair and retest equipment within (15) days of a test that exceeds the limitations set forth herein.

Reg. 19.1311 Test Methods

(A) Test method for leak detection:

(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 the manufacturer for 20% of the lower explosive limit response, or calibrated with methane for a 10,000 ppm response.

(2) The probe inlet shall be 2.5 centimeters or less from the potential leak source when searching for leaks.

(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.

(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.

(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.

Reg. 19.1312 Effective Date

(A) The requirements of this rule shall be effective within nonattainment areas one (1) year after the designation by EPA of an area as a nonattainment area.

(B) In the case of an independent small business marketer with sales of 50,000 gallons or more per month, this rule shall be phased-in as follows:

(1) 33 percent of facilities shall be in compliance at the end of the first year;

(2) 66 percent at the end of the second year; and,

(3) 100 percent at the end of the third year.

CHAPTER 14: CAIR NO_X OZONE SEASON TRADING PROGRAM GENERAL PROVISIONS

Reg. 19.1401 Adoption of Regulations

40 C.F.R. Part 96, Subparts AAAA-HHHH for the CAIR NO_x Ozone Season Trading Program, as finalized by the EPA on May 12, 2005, and further revised by EPA on April 28, 2006, with correcting amendments on December 13, 2006, and on October 19, 2007, are herein incorporated by reference with the exception of Subpart EEEE (CAIR NO_x Ozone Season Allowance Allocations) and all references to CAIR NO_x Ozone Season Opt-in Units, which, along with Subpart IIII (CAIR NO_x Ozone Season Opt-in Units), are not incorporated. The following regulations replace 40 C.F.R. § 96 Subpart EEEE.

Reg. 19.1402 State Trading Budget

The Arkansas State trading budgets for annual allocations for CAIR NO_x Ozone Season allowances have been set by EPA as follows: for the control periods of 2009 through 2014, 11,515 tons per control period; and for the control periods for 2015 and beyond, 9,596 tons per control period. The total number of allowances allocated by the State of Arkansas shall not exceed these budgets for their respective control periods.

Reg. 19.1403 Timing Requirements for CAIR NO_x Ozone Season Allowance Allocations

(A) For EGUs allocated allowances under Reg. 19.1404(B) and (C), the Department will determine and notify the Administrator of each unit's allocation of CAIR NO_x Ozone Season allowances by April 30, 2007, for 2009, 2010, and 2011 and by October 31, 2008, and October 31 of each year thereafter for the 4th year after the notification deadline.

(B) `For EGUs allocated allowances under Reg. 19.1404(D), the Department will determine and notify the Administrator of each unit's allocation of CAIR NO_x Ozone Season allowances by July 31 of the year for which the CAIR NO_x Ozone Season allowances are allocated.

Reg. 19.1404 CAIR NO_x Ozone Season Allowance Allocations

(A) The baseline gross electric generation (in MWh) used with respect to CAIR NO_x Ozone Season allowance allocations under Reg. 19.1404(B) for each CAIR NO_x Ozone Season unit that has operated each calendar year during a period of five (5) or more consecutive calendar years, the average of the three (3) highest amounts of the unit's control period gross electrical output over the five (5) years immediately preceding the year in which allocations are due to EPA, provided that gross electrical output of a generator served by two or more units will be attributed to each unit in proportion to each unit's share of the total control period heat input of such units for the year. For the allocations allocated for 2009, 2010, 2011, baseline data will be determined using gross electrical output for years 2000 through 2004.

(B) With regard to the timing requirements contained in Reg. 19.1403, for each control period in 2009 and thereafter, the Department will allocate to all CAIR NO_x Ozone Season units in the State that have baseline gross electric generation (as determined under Reg. 19.1404(A)) a total amount of CAIR NO_x Ozone Season allowances equal to 95 percent for a control period, of the tons of NO_x emissions in the State trading budget under Reg. 19.1402 (except as provided in Reg. 19.1404(E)).

(C) The Department will allocate CAIR NO_x Ozone Season allowances to each CAIR NO_x Ozone Season unit under Reg. 19.1404(B) in an amount determined by multiplying the total amount of CAIR NO_x Ozone Season allowances allocated under Reg. 19.1404(B) by the ratio of the baseline gross electric generation of such CAIR NO_x Ozone Season unit to the total amount of baseline gross electric generation of all such CAIR NO_x Ozone Season units in the State and rounding to the nearest whole allowances as appropriate.

(D) For each control period in 2009 and thereafter, the Department will allocate CAIR NO_x Ozone Season allowances to CAIR NO_x Ozone Season units in the State that do not yet have a baseline gross electric generation (as determined under Reg. 19.1404(A)), in accordance with the following procedures:

(1) The Department will establish a separate new unit set-aside for each control period. Each new unit set-aside will be allocated CAIR NO_x Ozone Season allowances equal to five percent (5%) of the amount of tons of NO_x emissions in the State trading budget under Reg. 19.1402.

(2) The CAIR designated representative of such a CAIR NO_x Ozone Season unit may submit to the Department a request, in a format specified by the Department, to be allocated CAIR NO_x Ozone Season allowances, starting with the later of the control period in 2009 or the first control period after the control period in which the CAIR NO_x Ozone Season unit commences commercial operation and until the first control period for the which the unit is allocated CAIR NO_x Ozone Season allowances under Reg. 19.1404(B). The CAIR NO_x Ozone Season allowance allocation request must be submitted on or before January 1 of the first control period for which the CAIR NO_x Ozone Season allowances are requested and after the date on which the CAIR NO_x Ozone Season unit commences commercial operation.

(3) In a CAIR NO_x Ozone Season allowance allocation request under Reg.19.1404(D)(2), the CAIR designated representative may request for a control period CAIR NO_x Ozone Season allowances in an amount not exceeding the CAIR NO_x Ozone Season unit's total tons of NO_x emissions during the control period immediately before such control period.

(4) The Department will review each CAIR NO_x Ozone Season allowance allocation request under Reg. 19.1404(D)(2) and will allocate CAIR NO_x Ozone Season allowances for each control period pursuant to such request as follows:

(a) The Department will accept an allowance allocation request only if the request meets, or is adjusted by the Department as necessary to meet, the requirements of Reg. 19.1404(D)(2) and (3).

(b) On or after February 1 of the control period, the Department will determine the sum of the CAIR NO_x Ozone Season allowances requested (as adjusted under Reg. 19.1404(D)(4)(a)) for the control period.

(c) If the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period is greater than or equal to the sum under Reg. 19.1404 (D)(4)(b), then the Department will allocate the amount of CAIR NO_x Ozone Season allowances requested (as adjusted under Reg. 19.1404 (D)(4)(a)) to each CAIR NO_x Ozone Season unit covered by Reg. 19.1404 (D)(4)(a).

(d) If the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period is less than the sum under Reg. 19.1404 (D)(4)(b), then the Department will allocate to each CAIR NO_x Ozone Season unit covered by an allowance allocation request accepted under Reg. 19.1404 (D)(4)(a) the amount of the CAIR NO_x Ozone Season allowances requested (as adjusted under Reg. 19.1404 (D)(4)(a)), multiplied by the amount of CAIR NO_x Ozone Season allowances in the new unit set-aside for the control period, divided by the sum determined under Reg. 19.1404 (D)(4)(b), and rounded to the nearest whole allowance as appropriate.

(e) The Department will notify each CAIR designated representative that submitted an allowance allocation request of the amount of CAIR NO_x Ozone Season allowances (if any) allocated for the control period to the CAIR NO_x Ozone Season unit covered by the request.

(E) If, after completion of the procedures under Reg. 19.1404(D)(4) for a control period, any unallocated CAIR NO_x Ozone Season allowances remain in the new unit set-aside for the control period, the Department will allocate to each CAIR NO_x Ozone Season unit that was allocated CAIR NO_x Ozone Season allowances under Reg. 19.1404 (B) an amount of CAIR NO_x Ozone Season allowances equal to the total amount of such remaining unallocated CAIR NO_x Ozone Season allowances, multiplied by the unit's allocation under Reg. 19.1404(B), divided by ninety-five percent (95%) of the amount of tons of NO_x emissions in the State trading budget under Reg. 19.1402, and rounded to the nearest whole allowance as appropriate.

CHAPTER 15: REGIONAL HAZE

Reg. 19.1501 Purpose

The purpose of this chapter is to establish regional haze program requirements.

Reg. 19.1502 Definitions

For purposes of this chapter only the definitions contained in 40 C.F.R. § 51.301 as in effect on June 22, 2007, are hereby incorporated by reference.

Reg. 19.1503 BART Eligible Sources

The following are BART-eligible sources:

BART Source Category Number and Name	Facility Name	AFIN	Unit ID	Unit Description
1. Fossil fuel-fired Electric Plants > 250 million British thermal units (MMbtu)/hour – Electric Generating Units (EGUs)	Arkansas Electric Coop – Carl E. Bailey	74-00024	SN-01	Boiler
	Arkansas Electric Coop – John L. McClelland Generating Station	52-00055	SN-01	Boiler
	Entergy Arkansas, Inc. – Lake Catherine Plant	30-00011	SN-03	Unit 4 Boiler
	Entergy Arkansas – Ritchie	54-00017	SN-02	Unit 2
	Entergy Arkansas, Inc. – White Bluff	35-00110	SN-01	Unit 1 Boiler
			SN-02	Unit 2 Boiler
			SN-05	Auxiliary Boiler
	SWEPCO Flint Creek Power Plant	04-00107	SN-01	Boiler

3. Kraft Pulp Mills	Domtar Industries, Inc. – Ashdown Mill	41-00002	SN-03	#1 Power Boiler
			SN-05	#2 Power Boiler
	Delta Natural Kraft and Mid America Packaging, LLC.	35-00017	SN-02	Recovery Boiler
	Evergreen Packaging Inc., Pine Bluff Mill	35-00016	SN-04	#4 Recovery Boiler
	Georgia-Pacific Corporation – Crossett Paper Operations	02-00013	SN-19	6A Boiler
			SN-22	9A Boiler
	Green Bay Packaging, Inc. – Arkansas Kraft Division	15-00001	SN-05A	Recovery Boiler
	Potlatch Forest Products Corporation – Cypress Bend Mill	21-00036	SN-04	Power Boiler
11. Petroleum Refineries	Lion Oil Company	70-00016	SN-809	#7 Catalyst Regenerator
15. Sulfur Recovery Plant	Albermarle Corporation – South Plant	14-00028	SR-01	Tail Gas Incinerator
19. Sintering Plants	Big River Industries	18-00082	SN-01	Kiln A
21. Chemical Processing Plants	Albermarle Corporation – South Plant	14-00028	BH-01	Boiler #1
			BH-02	Boiler #2
	FutureFuels Chemical Co.	32-00036	6M01-01	3 Coal Boilers
	El Dorado Chemical Company	70-00040	SN-08	West Nitric Acid Plant
			SN-09	East Nitric Acid Plant
			SN-10	Nitric Acid Concentrator

Reg. 19.1504 Facilities Subject-to-BART

(A) The following sources are subject-to-BART:

AFIN	Facility Name	Source #	Source Name
74-00024	Arkansas Electric Cooperative Corporation Carl E. Bailey Generating Station	SN-01	Boiler
52-00055	Arkansas Electric Cooperative Corporation John L. McClellan Generating Station	SN-01	Boiler
41-00002	Domtar Industries, Inc. Ashdown Mill	SN-03	#1 Power Boiler
		SN-05	#2 Power Boiler
30-00011	Entergy Arkansas, Inc. – Lake Catherine Plant	SN-03	Unit 4 Boiler
35-00110	Entergy Arkansas, Inc. – White Bluff	SN-01	Unit 1 Boiler
		SN-02	Unit 2 Boiler
		SN-05	Auxiliary Boiler
04-00107	SWEPCO Flint Creek Power Plant	SN-01	Boiler

(B) Each source subject-to-BART shall install and operate BART as expeditiously as practicable, but in no event later than 6 years after the effective date of this regulation or five (5) years after EPA approval of the Arkansas Regional Haze State Implementation Plan, whichever comes first.

(C) Each source subject-to-BART shall maintain the control equipment required by this chapter and establish procedures to ensure such equipment is properly operated and maintained.

Reg. 19.1505 BART Requirements

(A) 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:

(1) 0.15 pounds of sulfur dioxide (SO_2) per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;

(2) 0.23 pounds of nitrogen oxides (NO_x) per million Btu of heat input (0.23 lb/MMBtu) on a 30-day rolling average; and

(3) The existing particulate matter emission limit satisfies the BART particulate matter requirement.

(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.

(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.

(C) On or before the compliance date required under Reg. 19.1504(B), Domtar Industries Inc. – Ashdown Mill, #1 Power Boiler, SN-03 shall comply with BART by meeting the following emission limits:

(1) 1.12 pounds of SO_2 per million Btu of heat input (1.12 lb/MMBtu) on a 30-day rolling average;

(2) 0.46 pounds of NO_x per million Btu of heat input (0.46 lb/MMBtu) on a 30-day rolling average; and

(3) 0.07 pounds of PM_{10} per million Btu of heat input (0.07 lb/MMBtu) on a 30-day rolling average.

(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:

(1) 1.20 pounds of SO_2 per million Btu of heat input (1.20 lb/MMBtu) on a 30-day rolling average;

(2) 0.450 pounds of NO_x per million Btu of heat input (0.450lb/MMBtu) on a 30-day rolling average; and

(3) 0.10 pounds of PM_{10} per million Btu of heat input (0.10 lb/MMBtu) on a 30-day rolling average.

(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 when burning bituminous coal:

(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;

(2) 0.28 pounds of NO_x per million Btu of heat input (0.28 lb/MMBtu) on a 30-day rolling average; and

(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirement.

(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:

(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;

(2) 0.15 pounds of NO_x per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average; and

(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.

(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_x BART limits shall be prorated using the percentage of each of coal being burned.

(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:

(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;

(2) 0.28 pounds of NO_x per million Btu of heat input (0.28 lb/MMBtu) on a 30-day rolling average; and

(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.

(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:

(1) 0.15 pounds of SO_2 per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average;

(2) 0.15 pounds of NO_x per million Btu of heat input (0.15 lb/MMBtu) on a 30-day rolling average; and

(3) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.

(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_x BART limits shall be prorated using the percentage of each of coal being burned.

(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.

(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:

(1) 0.15 pounds of NO_x per million Btu of heat input (0.15 lb/MMBtu) on a 30 day rolling average; and

(2) The existing particulate matter emission limit as of October 15, 2007, satisfies the BART particulate matter requirements.

(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:

(1) 0.562 pounds of SO_2 per million Btu of heat input (0.562 lb/MMBtu) on a 30 day rolling average;

(2) 0.25 pounds of NO_x per million Btu of heat input (0.25 lb/MMBtu) on a 30 day rolling average; and

(3) 0.037 pounds of $PM_{2.5}$ per million Btu of heat input (0.037 lb/MMBtu) on a 30 day rolling average.

Reg. 19.1506 Compliance Provisions

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.

Reg. 19.1507 Permit Reopening

The Part 70 permit of each facility subject-to-BART shall be subject to re-opening in accordance with section 26.1011(A) of Arkansas Pollution Control and Ecology Commission Regulation 26.

CHAPTER 16: EFFECTIVE DATE

Reg. 19.1601 Effective Date

This regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 19

APPENDIX A

INSIGNIFICANT ACTIVITIES LIST

APPENDIX A: INSIGNIFICANT ACTIVITIES LIST

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 such listing, the Department exempts certain sources or types of sources from the requirements to obtain a permit or plan under this regulation. Listing in this part 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, National Emission Standards for Hazardous Air Pollutants [NESHAP], or Maximum Achievable Control Technology [MACT]) is not insignificant, even if this activity meets the criteria below.

Group A

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).

1. Fuel burning equipment with a design rate less than ten (10) MMBtu per hour, provided that the aggregate air pollutant specific emissions from all such units listed as insignificant do not exceed five (5) tons per year (tpy) of any combination of HAPs, 75,000 tpy carbon dioxide, and ten (10) tpy of any other air pollutant.

2. 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) psia, provided that the aggregate air pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed five (5) tpy of any combination of HAPs and ten (10) tpy of any other air pollutant.

3. Storage tanks less than or equal to 10,000 gallons storing organic liquids having a true vapor pressure less than or equal to one-half (0.5) psia, provided that the aggregate air pollutant specific emissions from all such liquid storage tanks listed as insignificant do not exceed five (5) tpy of any combination of HAPs and ten (10) tpy of any other air pollutant.

4. Caustic storage tanks that contain no VOCs.

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 air pollutant specific emissions from all such equipment/vents considered insignificant do not exceed five (5) tpy of any combination of HAPs and ten (10) tpy of any other air pollutant.

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.

7. Welding or cutting equipment related to manufacturing activities that do not result in aggregate emissions of HAPs in excess of one-tenth (0.1) tpy.

8. Containers of less than or equal to five (5) gallons in capacity that do not emit any detectable VOCs or HAPs when closed. This includes filling, blending, or mixing of the contents of such containers by a retailer.

9. Equipment used for surface coating, painting, dipping, or spraying operations, provided the material used contains no more than four-tenths (0.4) lb/gal VOCs, no hexavalent chromium, and no more than one-tenth (0.1) tpy of all other HAPs.

10. Non-production equipment approved by the Department, used for waste treatability studies or other pollution prevention programs provided that the emissions are less than ten (10) tpy of any air pollutant regulated under this regulation or less than two (2) tpy of a single HAP or five (5) tpy of any combination of HAPs.[1]

11. Operation of groundwater remediation wells, including emissions from the pumps and collection activities provided that the emissions are less than ten (10) tpy of any air pollutant regulated under this regulation or less than two (2) tpy of a single HAP or five (5) tpy of any combination of HAPs. This does not include emissions from air-stripping or storage.

12. Emergency use generators, boilers, or other fuel burning equipment that is of equal or smaller capacity than the primary operating unit, cannot be used in conjunction with the primary operating unit, and does 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. This does not apply to generators which provide electricity to the distribution grid.

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[1] 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.

13. Other activities for which 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 75,000 tpy carbon dioxide, one (1) tpy of a single HAP or two and one-half (2.5) tpy of any combination of HAPs, or five (5) tpy of any other air pollutant regulated under this regulation. These emission limits apply to the sum of all activities listed under this group.

Group B

The following emission units, operations, or activities need not be included in a permit application:

1. 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 of the federal Clean Air Act, as amended. This does not include emissions from any transportable units, such as temporary compressors or boilers. This does not include emissions from loading racks or fueling operations covered under any applicable federal requirements.

2. Air conditioning and heating units used for comfort that do not have applicable requirements under Title VI of the Act.

3. Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.

4. Non-commercial food preparation or food preparation at restaurants, cafeterias, or caterers, etc.

5. Consumer use of office equipment and products, not including commercial printers or business primarily involved in photographic reproduction.

6. Janitorial services and consumer use of janitorial products.

7. Internal combustion engines used for landscaping purposes.

8. Laundry activities, except for dry-cleaning and steam boilers.

9. Bathroom/toilet emissions.

10. Emergency (backup) electrical generators at residential locations.

11. Tobacco smoking rooms and areas.

12. Blacksmith forges.

13. Maintenance of grounds or buildings, including: lawn care, weed control, pest control, and water washing activities.

14. Repair, up-keep, 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 such 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.[2]

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.

16. Portable electrical generators that can be "moved by hand" from one location to another.[3]

17. Hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.

18. Brazing or soldering equipment related to manufacturing activities that do not result in emission of HAPs.[4]

19. Air compressors and pneumatically operated equipment, including hand tools.

20. Batteries and battery charging stations, except at battery manufacturing plants.

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[2] 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.

[3] "Moved by hand" means that it can be moved by one person without assistance of any motorized or non-motorized vehicle, conveyance, or device.

[4] 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.

21. Storage tanks, vessels, and containers holding or storing liquid substances that do not contain any VOCs or HAPs.[5]

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.

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.

24. Drop hammers or presses for forging or metalworking.

25. Equipment used exclusively to slaughter animals, but not including other equipment at slaughter-houses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.

26. Vents from continuous emissions monitors and other analyzers.

27. Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.

28. Hand-held applicator equipment for hot melt adhesives with no VOCs in the adhesive.

29. Lasers used only on metals and other materials which do not emit HAPs in the process.

30. Consumer use of paper trimmers/binders.

31. 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.

32. Salt baths using non-volatile salts that do not result in emissions of any air pollutant covered by this regulation.

33. Laser trimmers using dust collection to prevent fugitive emissions.

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[5] 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.

34. Bench-scale laboratory equipment used for physical or chemical analysis not including lab fume hoods or vents.

35. Routine calibration and maintenance of laboratory equipment or other analytical instruments.

36. Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.

37. Hydraulic and hydrostatic testing equipment.

38. Environmental chambers not using hazardous air pollutant gases.

39. Shock chambers, humidity chambers, and solar simulators.

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.

41. Process water filtration systems and demineralizers.

42. Demineralized water tanks and demineralizer vents.

43. Boiler water treatment operations, not including cooling towers.

44. Emissions from storage or use of water treatment chemicals, except for hazardous air pollutants or pollutants listed under regulations promulgated pursuant to Section 112(r) of the Act as of July 1, 1997, for use in cooling towers, drinking water systems, and boiler water/feed systems.

45. Oxygen scavenging (de-aeration) of water.

46. Ozone generators.

47. Fire suppression systems.

48. Emergency road flares.

49. Steam vents and safety relief valves.

50. Steam leaks.

51. Steam cleaning operations.

52. Steam and microwave sterilizers.

53. Site assessment work to characterize waste disposal or remediation sites.

54. Miscellaneous additions or upgrades of instrumentation.

55. Emissions from combustion controllers or combustion shutoff devices but not combustion units itself.

56. Use of products for the purpose of maintaining motor vehicles operated by the facility, not including air cleaning units of such vehicles (i.e. antifreeze, fuel additives).

57. Stacks or vents to prevent escape of sanitary sewer gases through the plumbing traps.

58. Emissions from equipment lubricating systems (i.e. oil mist), not including storage tanks, unless otherwise exempt.

59. Residential wood heaters, cookstoves, or fireplaces.

60. Barbecue equipment or outdoor fireplaces used in connection with any residence or recreation.

61. Log wetting areas and log flumes.

62. Periodic use of pressurized air for cleanup.

63. Solid waste dumpsters.

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.

65. Natural gas odoring activities unless the Department determines that emissions constitute air pollution.

66. Emissions from engine crankcase vents.

67. Storage tanks used for the temporary containment of materials resulting from an emergency reporting to an unanticipated release.

68. Equipment used exclusively to mill or grind coatings in roll grinding rebuilding, and molding compounds where all materials charged are in paste form.

69. Mixers, blenders, roll mills, or calendars for rubber or plastic for which no materials in powder form are added and in which no hazardous air pollutants, organic solvents, diluents, or thinners are used or emitted.

70. The storage, handling, and handling equipment for bark and wood residues not subject to fugitive dispersion offsite (this applies to the equipment only).

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.

72. Tall oil soap storage, skimming, and loading.

73. Water heaters used strictly for domestic (non-process) purposes.

74. Facility roads and parking areas, unless necessary to control offsite fugitive emissions.

75. Agricultural operations, including onsite grain storage, not including internal combustion engines or grain elevators.

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.

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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REGULATION NO. 19

APPENDIX B

NATIONAL AMBIENT AIR QUALITY STANDARDS LIST

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	8-hour	9 ppm	Not to be exceeded more than once per year	All Chapters
				1-hour	35 ppm		All Chapters
Lead	73 FR 66964	November 12, 2008	Primary and secondary	Rolling 3 month average	0.15 $\mu g/m^3$	Not to be exceeded	All Chapters
Nitrogen Dioxide	75 FR 6474	February 9, 2010	Primary	1-hour	100 ppb	98th percentile, averaged over 3 years	All Chapters
	61 FR 52852	October 8, 1996	Primary and secondary	Annual	53 ppb	Annual Mean	All Chapters
Ozone	~~73 FR 16436~~ 80 FR 65292	~~March 27, 2008~~ October 26, 2015	Primary and secondary	8-hour	~~0.075~~ 0.070 ppm	Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years	All Chapters
Particle Pollution, $PM_{2.5}$	78 FR 3085	January 15, 2013	Primary	Annual	12 $\mu g/m^3$	Annual mean, averaged over 3 years	All Chapters
	71 FR 61144	October 17, 2006	Secondary	Annual	15 $\mu g/m^3$		
			Primary and secondary	24-hour	35 $\mu g/m^3$	98th percentile, averaged over 3 years	All Chapters

Pollutant	Final Rule Cite	Final Rule Date	Primary / Secondary	Averaging Time	Level	Form	Applicable Chapters
Particle Pollution, PM_{10}	71 FR 61144	October 17, 2006	Primary and secondary	24-hour	150 $\mu g/m^3$	Not to be exceeded more than once per year on average over 3 years	All Chapters
Sulfur Dioxide	75 FR 35520	June 22, 2010	Primary	1-hour	75 ppb	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years	All Chapters
	38 FR 25678	September 14, 1973	Secondary	3-hour	0.5 ppm	Not to be exceeded more than once per year	All Chapters