

**NOTICE OF PROPOSED CHANGES TO FOUR AIR QUALITY REGULATIONS AND
NOTICE OF PUBLIC HEARINGS AND COMMENT PERIOD**

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold four public hearings November 13, 2012, to receive public comments on the repeal of one APC&EC air pollution control regulation and proposed changes to three other APC&EC air pollution control regulations. The hearings will begin at 2:00 p.m. in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118.

The deadline for submitting written comments on the proposed changes is 4:30 p.m., November 29, 2012.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearings. If the hearings are postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

Separate hearings will be held for proposed changes to APC&EC Regulations 18 (Air Pollution Control Code), 19 (State Implementation Plan [SIP] for Air Pollution Control), and 26 (Arkansas Operating Air permit program), and for the proposed repeal of APC&EC Regulation 25 (Lead-Based Paint Activities). The Regulation 18 hearing will begin at 2:00 p.m., and will be followed, in order, by the hearings on Regulation 19, 26, and 25.

APC&EC authority to revise Regulations 18, 19, 25, and 26 is found in Arkansas Code Annotated, Section 8-4-301, *et seq.*

The substantive proposed changes to the Regulations 18, 19, and 26 are necessary in order to adopt the Environmental Protection Agency's (EPA) National Ambient Air Quality Standards (NAAQS) for particulate matter up to 2.5 micrograms in size (PM_{2.5}), particulate matter up to 10 micrograms in size (PM₁₀), ozone, lead, nitrogen dioxide, and sulfur dioxide.

In general, the proposed changes to Regulations 19 and 26 involve incorporation of federal revisions to the NAAQS into State Regulations, and will help ensure Arkansas has the authority to implement air pollution control programs and to issue permits.

Specifically, for Regulation 18, Chapter 2, a definition and effective date for "PM_{2.5}" were added. Reg.18.301 was revised to add permitting thresholds for PM_{2.5}, and Reg.18.307(C) was revised to provide for a *de minimis* permit change in regard to PM_{2.5} emissions.

For Regulation 19, under Chapter 2, revisions were made to the existing definitions of "PM_{2.5}," "PM₁₀," and "National Ambient Air Quality Standards;" a permitting threshold for PM_{2.5} at Reg.19.401 was added; "Ten (10) tons per year of PM_{2.5}" was added to Reg.19.407(C)(2)(a) and "PM_{2.5}," "2 µg/m³" and "24-hour" were added to the table under Reg.19.407(C)(2)(b) to provide for a *de minimis* permit change in regard to PM_{2.5} emissions.

APC&EC also requests public comments on the proposed revisions to Reg.19.903(B)(6) that include EPA's proposed revision to the definition of "regulated NSR (New Source Review) pollutant." This proposed revision would reestablish the interpretation that for measurement of "particulate matter emissions," in the context of the (Prevention of Significant Deterioration) PSD and NSR programs, there

is no explicit requirement to include measurement of condensable PM emissions except for PM_{2.5} and PM₁₀. Should EPA's proposed rule not become finalized before the end of the public comment period for Regulation 19, ADEQ may remove it from the proposed language addressed in this proposed rulemaking.

For Regulation 26, the significant changes involve the addition of "10 tons per year of PM_{2.5}," a minor permit modification threshold for fine particulate matter (PM_{2.5}), under Reg. 26.1002(A).

Amendments to Regulation 19 will be submitted to the EPA for inclusion into Arkansas's SIP and amendments to Regulation 26 will be submitted to the EPA for inclusion into Arkansas's Title V and Part 70 State Program.

The proposed repeal of Regulation 25 is necessary to codify existing State law. The Arkansas Lead-Based Paint-Hazard Act of 2011 transferred authority to administer the State lead-based paint regulatory program to the Arkansas Department of Health. Regulation 25 is therefore unenforceable by ADEQ and should be repealed to bring APC&EC Regulations current with State law.

Copies of the four proposed regulation changes are available for public inspection during normal business hours at the Public Outreach and Assistance (POA) Division in the ADEQ's headquarters building in North Little Rock, and in ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library, 900 W. Capitol, Suite 100, Little Rock. In addition, copies of the draft regulations showing the proposed changes, along with related support documents, are available for viewing or downloading on the draft regulations page of the ADEQ's Internet website at www.adeq.state.ar.us.

Oral and written statements will be accepted at the hearings, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be accepted if received no later than 4:30 p.m. November 29, 2012. Written comments should be mailed to Doug Szenher, POA Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

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