

Arkansas Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control

CHAPTER 5: GENERAL EMISSIONS LIMITATIONS APPLICABLE TO EQUIPMENT

As approved by the Arkansas Pollution Control and Ecology Commission on December 3, 2004, and submitted to EPA February 3, 2005.

Approved by EPA April 12, 2007 (72 FR 18394) effective May 14, 2007 (ARd07).

Regulations.gov docket EPA-R06-OAR-2005-AR-0001 [Short ID: AR001]

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 which are in effect as of the effective date of this regulation, to be exceeded:

- (A) Any National Ambient Air Quality Standard or ambient air increment (as listed in 40 CFR 52.21).
- (B) Any applicable emission limitation promulgated by the United States Environmental Protection Agency.
- (C) 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 hereinunder 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 hereinunder 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 United States Environmental Protection Agency:
 - (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 CFR Part 60, Appendix A).

Reg. 19.504 Stack height/dispersion regulations

The stack height provisions of 40 CFR 51.118 are incorporated by reference. The definition of “stack,” “a stack in existence,” “dispersion technique,” “good engineering practice,” “nearby,” and “excessive concentration” contained in 40 CFR 51.100 (ff) through (kk) are incorporated into this chapter by reference.

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 National Ambient Air Quality Standards 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.