

CHAPTER 2: DEFINITIONS

Terms and phrases used in this rule that are not explicitly defined herein shall have the same meaning as those terms that are used in the Clean Air Act. For purposes of this rule:

“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.

“Clean Air Act” means the federal Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.*

“CO₂ equivalent emissions” means an amount of greenhouse gases emitted, and shall be computed by multiplying the mass amount of emissions in tons per year, for each of the six (6) greenhouse gases in the pollutant greenhouse gases, 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” and summing the resultant value for each to compute a tons per year of CO₂ equivalent emissions. Table A-1 to Subpart A of 40 C.F.R. Part 98 is incorporated by reference as of January 1, 2015.

“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 that prevents, controls, detects or records the emission of any federally regulated air pollutants.

“Division” means the Division of Environmental Quality, or its successor. When reference is made in this rule to actions taken by or with reference to the Division, the reference is to the staff of the Division acting at the direction of the Director.

“Director” means the Director of the Division of Environmental Quality, or its successor, acting directly or through the staff of the Division.

“Emission limitation” and **“emission standard”** mean a requirement established by the Division or the Administrator of the EPA that limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements that 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.

“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 paragraph (E) of this definition, any pollutant that is subject to any standard promulgated under the Clean Air Act, as of the effective date of this rule;
- (D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, as of the effective date of Rule 19.
- (E) Greenhouse gases, except that greenhouse gases shall not be a federally regulated air pollutant unless the greenhouse gas emissions are:
 - (1) from a stationary source emitting or having the potential to emit seventy-five thousand (75,000) tons per year or more of CO₂ equivalent emissions; and
 - (2) regulated under Chapter 9 of Rule 19.

“Fugitive emissions” means those emissions that 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 Division will utilize the definition of fugitive emissions for those industries for which an approved EPA definition exist under federal law or regulation and that are meeting that law or regulation.

“Greenhouse gases” means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

“Hazardous air pollutant” means any air pollutant listed pursuant to § 112 of the Clean Air Act, as of the effective date of this rule.

“Modification” means any physical change in, or change in the method of operation of, a stationary source that increases the emission rate of any federally regulated air pollutant over permitted rates or that 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 Rule 19.407(C), and changes in ownership shall not be considered.

“National ambient air quality standards” 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 October 26, 2015 (80 FR 65292), as set forth in Appendix B of Rule 19.

“National ambient air quality standards state implementation plan (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 for the attainment and maintenance of a specified national ambient air quality standard 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 rules.

“Owner” means any person who has legal or equitable title to any source, facility, or equipment affected by these rules.

“Part 70 source” means any stationary source subject to the permitting requirements of Rule 26.

“Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than one hundred (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 rules 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.

“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 rules or any supplement thereto.

“PM₁₀” 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.

“PM₁₀ emissions” means PM₁₀ 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 rules 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 Clean Air Act. 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 two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000 in second quarter 1980 United States dollars); or
 - (2) The delegation of authority to such representative is approved in advance by the Division;
- (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 rule, 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 Clean Air Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under Part 70.

“Rule 8” means Arkansas Pollution Control and Ecology Commission Regulation No. 8 until it is amended to replace the term “regulation” with “rule.” After that time, Rule 8 means Arkansas Pollution Control and Ecology Commission Rule 8.

“Rule 18” means Arkansas Pollution Control and Ecology Commission Regulation No. 18, until it is amended to replace the term “regulation” with “rule.” After that time, Rule 18 means Arkansas Pollution Control and Ecology Commission Rule 18.

“Rule 26” means Arkansas Pollution Control and Ecology Commission Regulation No. 26, until it is amended to replace the term “regulation” with “rule.” After that time, Rule 26 means Arkansas Pollution Control and Ecology Commission Rule 26.

“Secondary emissions” means those emissions of federally regulated air pollutants that, 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” (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, and that is developed by the Division and submitted to the EPA for review and approval.

“Stationary source” means any building, structure, facility, or installation that 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 Clean Air Act. *De minimis* changes under Rule 19, changes to state only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.

“Twelve-month period” means a period of twelve (12) consecutive months determined on a rolling basis with a new twelve-month period beginning on the first day of each calendar month.

“Volatile organic compounds” means any compound of carbon; excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate; that participates in atmospheric photochemical reactions.

(A) This includes any 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);
fluoroethane (ethyl fluoride or 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 (C₄F₉OCH₃ or HFE-7100);
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
 ((CF₃)₂CF₂OCH₃);
 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE 7200);
 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
 ((CF₃)₂CF₂OC₂H₅);
 methyl acetate;
 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃ 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 (HCOOCH₃);
 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
 propylene carbonate;
 dimethyl carbonate;
 (1*E*)-1,3,3,3-tetrafluoroprop-1-ene (HFO-1234ze);
 HCF₂OCF₂H (HFE-134);
 HCF₂OCF₂OCF₂H (HFE-236cal2);
 HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);
 HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 [or 150 or
 180]);
 (1*E*)-1-chloro-3,3,3-trifluoroprop-1-ene;
 2,3,3,3-tetrafluoropropene;
 2-amino-2-methyl-1-propanol;
 t-butyl acetate;
 cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mz-Z); and
 perfluorocarbon compounds that 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, volatile organic compounds are measured by the test methods in the approved state implementation plan or 40 C.F.R. Part 60, Appendix A, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as volatile organic compounds if the amount of such compounds is accurately quantified, and such exclusion is approved by the Division.
- (C) As a precondition to excluding these compounds as volatile organic compounds or at any time thereafter, the Division may require an owner or operator of a stationary source to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Division, the amount of negligibly-reactive compounds in the emissions from the stationary source.
- (D) [RESERVED]