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## Startup, Shutdown and Malfunction/EPA SIP Call: William K. Montgomery (Arkansas Department of Environmental Quality) Association of Air Pollution Control Agencies Spring Meeting Presentation

### Arkansas Environmental, Energy, and Water Law Blog

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Arkansas Department of Environmental Quality ("ADEQ") Office of Air Quality Policy Advisor William K. Montgomery undertook a presentation at the 2016 Association of Air Pollution Control Agencies ("AAPCA") as a member round table addressing the United States Environmental Protection Agency ("EPA") Clean Air Act Startup, Shutdown and Malfunction SIP Call.

The AAPCA Spring meeting was held in Columbia, South Carolina.

The AAPCA describes itself as a consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the Clean Air Act. Arkansas is one of 17 states that are members of the organization.

Mr. Montgomery's presentation was titled *Arkansas Pollution Control and Ecology Regulation No. 19 – Proposed Changes in Response to the Startup, Shutdown and Malfunction (SSM) SIP Call ("Presentation")*.

Various existing state air rules have historically allowed some excess emissions during startup, shutdown and malfunction events if certain procedural requirements are met.

Mr. Montgomery's *Presentation* provides background on an EPA "SIP Call" that was published on June 12, 2015. See 80 Fed. Reg. 33840. He notes that the SIP Call was in response to a prior Sierra Club Petition pertaining to provisions in State Implementation Plans ("SIP") the organization deemed inconsistent with EPA's interpretation of Clean Air Act requirements for excess emissions during periods of startup, shutdown and malfunctions.

The *Presentation* discusses the fact that 36 states (including Arkansas) are required to submit corrective SIP revisions by November 22, 2016.

The *Presentation* also addresses:

- A lawsuit by 17 Attorneys General (including the Arkansas Attorney General) challenging the EPA Startup, Shutdown and Malfunction SIP Call
- Arkansas provisions subject to the Startup, Shutdown and Malfunction SIP Call



- Options for correcting “impermissible provisions”
- Arkansas Department of Environmental Quality proposed revisions to Regulation 19
- Regulation 19.602(A)
- Regulation 19.602(C)
- Regulation 19.1004(H)
- Arkansas Startup, Shutdown and Malfunction SIP provisions

[Click here to download a copy of the \*Presentation\*.](#)