

# Quarterly Newsletter

## Associate Director's Update

### Testimony on Capitol Hill

On February 14, 2018, I had the privilege of presenting testimony on behalf of ADEQ and the Association of Air Pollution Control Agencies to the U.S. House Committee Energy and Commerce's Subcommittee on the Environment on the topic of New Source Review (NSR) reform. Here are some recommendations for NSR reform from my testimony:

#### The Time for Meaningful NSR Reform is Now!

- Encourage projects that improve safety, increase energy efficiency, or reduce pollution
- Allow construction and expansion of facilities employing best available control technology anywhere in the country if state or local environmental officials determine that the facility will not have an adverse impact on human health and the environment
- Provide for a limited exemption from Prevention of Significant Deterioration/NSR Permitting requirements for projects determined to be environmentally beneficially on a cumulative impact basis
- Maintain State and local agency discretion in permitting decisions and regulations
- Remove or clarify undefined terms and exemptions and replace them with clear definitions
- Revise the emissions increase test under NSR to match the hourly test under the New Source Performance Standard by using increase in maximum achievable emission rates rather than actual tons
- Limit the circumstances under which emissions projections are subject to review to instances where there are errors in the calculations or where the facility used the wrong significant emissions threshold
- Revisit the definition of a "source" to ensure geographically separate facilities are not artificially combined for NSR purposes
- Identify clearly the types of projects that should be considered as "changes in methods of operation"

## Winter 2018



Mr. Spencer goes to Washington

See full hearing and associated documents at <https://goo.gl/qLzYwu>

**Office of Air Quality**  
**Associate Director**

Stuart Spencer

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# Policy and Planning

## EPA approves Arkansas NAAQS SIP Revision

On February 8, 2018, EPA announced approval of the Arkansas State Implementation Plan (SIP) elements required for the administration of programs related to the National Ambient Air Quality Standards (NAAQS), which is referred to as an “infrastructure SIP.” This approval ensures that the Arkansas SIP is consistent with all current NAAQS, with the exception of the 2015 ozone standard, and includes elements addressing the ozone, lead, fine particulate matter, nitrogen dioxide, and sulfur dioxide standards.

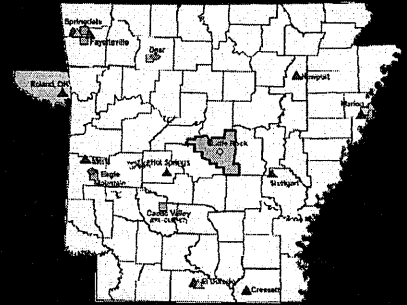
## EPA approves Regional Haze SIP Revision for NOx Emissions from Arkansas Power Plants

On February 12, 2018, EPA published a federal register notice in which it approved the Arkansas Regional Haze SIP revision for emissions of nitrogen oxides from Arkansas power plants. This SIP revision allows Arkansas power plants to comply with an interstate trading program (the Cross-State Air Pollution Rule) in lieu of source-specific Best Available Retrofit Technology requirements for nitrogen oxides. EPA simultaneously withdrew source-specific nitrogen oxides requirements for the power plants affected by the Arkansas SIP revision. The Arkansas SIP achieves greater reductions in nitrogen oxides than projected under EPA’s federal implementation plan while providing flexibility to Arkansas power plants and reducing costs to the state’s ratepayers.

*“Arkansas’s revised plan is yet another excellent example of the positive environmental outcomes we are achieving across the country from a cooperative federalism approach. After working closely with Arkansas, this action returns power back to the rightful hands of the state and gives them the necessary flexibility to improve air quality across the Natural State.”* —EPA Administrator Scott Pruitt

*I’m thrilled that EPA has approved the first phase of our regional haze plan. Arkansas’s plan guarantees that our state will continue to achieve reasonable progress. We look forward to continued cooperation and engagement with EPA on state-based solutions.”*—ADEQ Director Becky Keogh

**Branch Manager**  
**William K. Montgomery**  
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# Permits

## Permits Lean Event

In December 2017, the ADEQ Office of Air Quality (OAQ) staff held a lean event to evaluate the process for issuing new permits, significant modifications, and Title V renewals to identify potential changes to the process that could improve permitting times. The team for this event was composed of staff from the Permits Branch, the Compliance Branch, and the Enforcement Branch.

The permits lean event team established three quantitative goals and three qualitative goals by which to measure changes as a result of implementing the twenty-five action items identified during the lean event. These action items focus on improving the e-Portal application process and providing outreach to permittees on the application submission process. E-Portal upgrades are in the works to make it more convenient to use for agency and external users. The Permits Branch is also planning on surveying permittees on their use of e-Portal to identify how the program could be better and reasons why a permittee may not be using e-Portal. The Permits Branch is developing a webinar and other training for permit applications to improve understanding of required application submission components.

### Quantitative Goals

- By January 31, 2018
  - Reduce percent of administratively incomplete applications received from 43% to 34%
  - Reduce average lead time for new, renewal, and significant modification permits from 225 days to 180 days
- By January 31, 2021, increase the percent of online new, renewal, and significant modification permit applications received from 8.3% to 50%

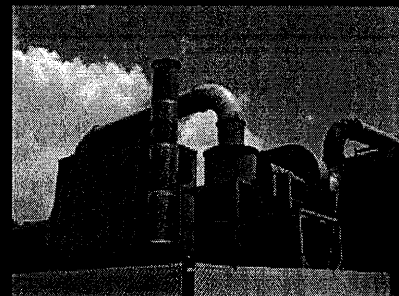
### Qualitative Goals

- Improve e-Portal experience and promote the use of online application submission
- Investigate technology improvements to the ADEQ permitting process
- Consider legal and/or regulatory changes and application form improvements to improve the applicant's permitting experience and reduce overall permitting times

**Sr. Ops. Manager**

**Thomas Rheaume**

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# Compliance

**Branch Manager**

Heinz Braun

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## Who is My Inspector?

The Compliance Branch of the Office of Air Quality has undergone slight restructuring. Two long time Inspectors, Gary Bortz and Tanisha Harper, were promoted to Inspector Supervisors. We look forward to the exceptional qualities that these two have shown as inspectors to be even greater assets as inspector supervisors. All previously open positions except for two have now been filled. In case you may be wondering who our new people are, additional changes within the compliance staff are shown in the table below. We welcome and look forward to working with all of our new team members.

<b>Inspector</b>	<b>Phone</b>	<b>Office</b>	<b>Supervisor</b>	<b>Supervisor Phone</b>
Keith Collins	(870) 793-4762	Batesville	Brent Day	(501) 682-0766
Mike Kennedy	(870) 793-4762	Batesville	Brent Day	(501) 682-0766
Bryant Lamb	(870) 368-5053	Batesville	Brent Day	(501) 682-0766
Tiffany Wooten	(870) 862-5941	El Dorado	Gary Bortz	(501) 682-0706
Jay Northern	(870) 862-5941	El Dorado	Gary Bortz	(501) 682-0706
Jay Ellis	(479) 267-0811	Fayetteville	Hank Wright	(501) 520-5762
Paul Hairston	(479) 267-0811	Fayetteville	Hank Wright	(501) 520-5762
David Miesner	(479) 424-0333	Ft. Smith	Hank Wright	(501) 520-5762
Stephen Foster	(479) 424-0333	Ft. Smith	Hank Wright	(501) 520-5762
Vacant	(870) 777-7585	Hope	Gary Bortz	(501) 682-0706
Risa Parker	(501) 520-5762	Hot Springs	Hank Wright	(501) 520-5762
Coy Dobson	(870) 935-7221	Jonesboro	Brent Day	(501) 682-0766
Leslie Fowler	(501) 682-0727	North Little Rock	Tanisha Harper	(501) 683-2226
Ronnie McDade	(501) 682-0056	North Little Rock	Tanisha Harper	(501) 683-2226
Caleb Fielder	(501) 682-0775	North Little Rock	Tanisha Harper	(501) 683-2226
Lori Burke	(501) 682-0737	North Little Rock	Tanisha Harper	(501) 683-2226
Vacant		North Little Rock	Tanisha Harper	(501) 683-2226
Jim Starling	(870) 733-3526	West Memphis	Brent Day	(501) 682-0766
*Maurice Carlton	(870) 247-5155	White Hall	Gary Bortz	(501) 682-0706
<b>OTHER STAFF</b>				
Alan Breshears	(870) 862-5941	El Dorado CEMS Coordinator		
Eva Bailey	(501) 682-0725	NLR	Administrative Analyst	
Hannah Gage	(501) 682-0622	NLR	Administrative Analyst	
Heinz Braun	(501) 682-0756	NLR	Compliance Branch Manager	



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# Enforcement and Asbestos

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**Demetria Kimbrough**

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## Enforcement: Formal Enforcement Process Q & A



**Question:** What is a formal enforcement action?

**Answer:** A formal enforcement action, depending upon the circumstances, is provided either as a Consent Administrative Order (CAO) or as a Notice of Violation (NOV).

**Question:** How should a response be provided to a formal enforcement action?

**Answer:** A review of the circumstances surrounding the formal enforcement action and corrective actions/measures needed to return to an in-compliance status should be determined. This information should be submitted in writing to the Enforcement Section.

**Question:** What should I do if I receive a proposed CAO?

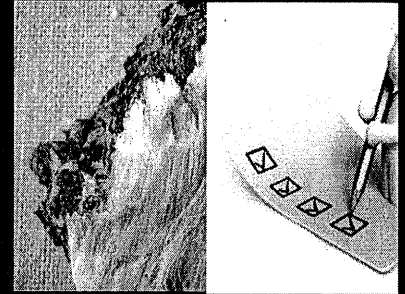
**Answer:** Review the Findings of Fact and Order and Agreement sections for accuracy. If you agree with the CAO, then within 30 days sign and return the original. If you disagree with the CAO, then contact the Enforcement Analyst named on the proposed CAO cover letter within 30 days.

**Question:** What happens when settlement negotiations are completed after the CAO has been initially proposed?

**Answer:** When a settlement agreement is reached after the proposed CAO has been received, any necessary and appropriate changes will be made and the CAO will be re-proposed. Within 15 days, the embossed CAO should be signed and returned to the Enforcement Section for processing.

**Question:** What happens if a settlement cannot be reached?

**Answer:** If a settlement cannot be reached through a CAO, an NOV will be drafted and issued. Upon issuance of an NOV, any disputes should be submitted in writing within 30 days to request a hearing to the Secretary of the Arkansas Pollution Control and Ecology Commission.



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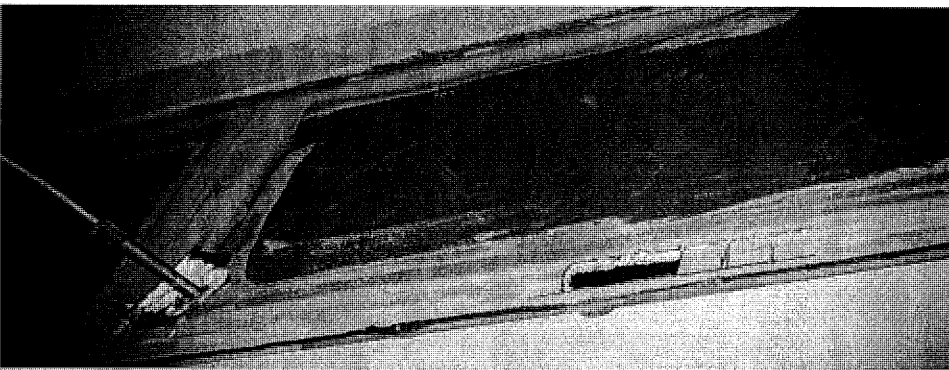
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# Enforcement and Asbestos

## Asbestos: Sheetrock/Wallboard and Joint Compound Analysis

### Background:

Sheetrock/wallboard panels are joined to each other, creating a seam where the individual panels meet. Tape is then applied over the seam and a joint compound is added to fortify the taped seam. This process creates a three-layer wall system. In order to determine whether or not this three layer wall is designated as asbestos containing material (ACM) under Arkansas Asbestos Abatement Regulation 21 (Regulation 21), a core sample of the wall containing all three materials must be taken. Once the sample is taken, each layer is tested for asbestos separately and then tested as a composite analysis.



### Question:

What is ADEQ's position regarding the treatment of sheetrock/wallboard (wallboard systems) and joint compound?

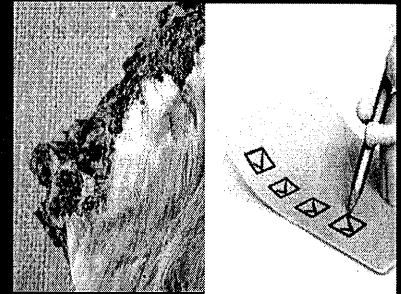
### Answer:

The NESHAP regulation does not specifically address the issue of sheetrock/wallboard panels with joint compound. Regulation 21 does not provide references to and/or definitions for sheetrock/wallboard panels with joint compound and composite analysis. However, EPA has authored guidance documents and applicability determinations to address the issue. In a December 19, 1995 Federal Register publication, EPA provided clarification on this issue. ADEQ's position regarding the composite analysis of sheetrock/wallboard (wallboard systems) and joint compound mirrors the clarification in the Federal Register publication which can be accessed via this link:

<https://www.gpo.gov/fdsys/pkg/FR-1995-12-19/pdf/95-30790.pdf>

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