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## Arkansas Air Regulations: Arkansas Department of Environmental Quality Seeks Input on Pre-Proposal for Streamlining (Update)

07/13/2018

As noted in a May 30th post, the Arkansas Department of Environmental Quality (“ADEQ”) has prepared a pre-proposal draft regulation which is described as Streamlining Arkansas Air Quality Regulations.

The pre-proposal draft regulation (“Draft”) is stated to be a product of the agency’s multi-year Air Integrated Regulation (“AIR”) Streamlining Project effort.

The air regulations referenced as potentially being consolidated include:

- Regulation No. 18 – Arkansas Air Pollution Control Code
- Regulation No. 19 – Regulations of the Arkansas Plan of Implementation for Air Pollution Control
- Regulation No. 26 – Regulations of the Arkansas Operating Air Permit Program
- Regulation No. 31 – Nonattainment New Source review Requirements

These four regulations would be consolidated into a single regulation styled “Regulation No. 35 – Arkansas Air Quality Regulation.”

By way of background, the current substantive structure of the Arkansas air pollution control programs is provided by these four key regulations. For example, Regulation No. 19 represents the substantive provisions of the Arkansas State Implementation Plan as applicable to state sources in the air permit process. Further, Arkansas promulgated Regulation No. 26 to qualify for delegation of the Clean Air Act Title V operating permits program. Regulation No. 26 is generally a state codification of the federal regulations promulgated to implement the federal Title V program. Permitting pursuant to Regulation No. 18 generally applies to minor sources of pollutants.

ADEQ had previously noted that the purpose of the “regulatory streamlining project” is:

... to clarify Arkansas air pollution control requirements by simplifying the regulatory provisions, consolidating overlapping provisions, and revising or removing confusing language. The consolidation is expected to facilitate continued trends in achieving clean air by providing additional regulatory clarity to our stakeholders and facilities in order to foster compliance with air quality regulations. ADEQ anticipates the streamlined regulation to ultimately result in reduced costs both for the State and for the facilities covered under the consolidated regulation.

Besides draft Regulation 35, the agency has made available various materials associated with the project which include:

1. Pre-initiation strawman draft Regulation 35 (corrected)
2. Index of Changes (corrected)
3. Removal of VOC Regulations for Pulaski County Technical Support Document
4. EPA 2017 Ozone Modeling Analysis
5. Pre-Proposal Draft SIP Narrative
6. Pre-initiation strawman draft Regulation No. 35 (SIP-provisions)

ADEQ announced it will be holding a listening session on August 13 to receive feedback on the draft.

A link to the [AIR Streamlining Project](#) can be found here.