



Permitting Streamlining Update and Real World Bottlenecks

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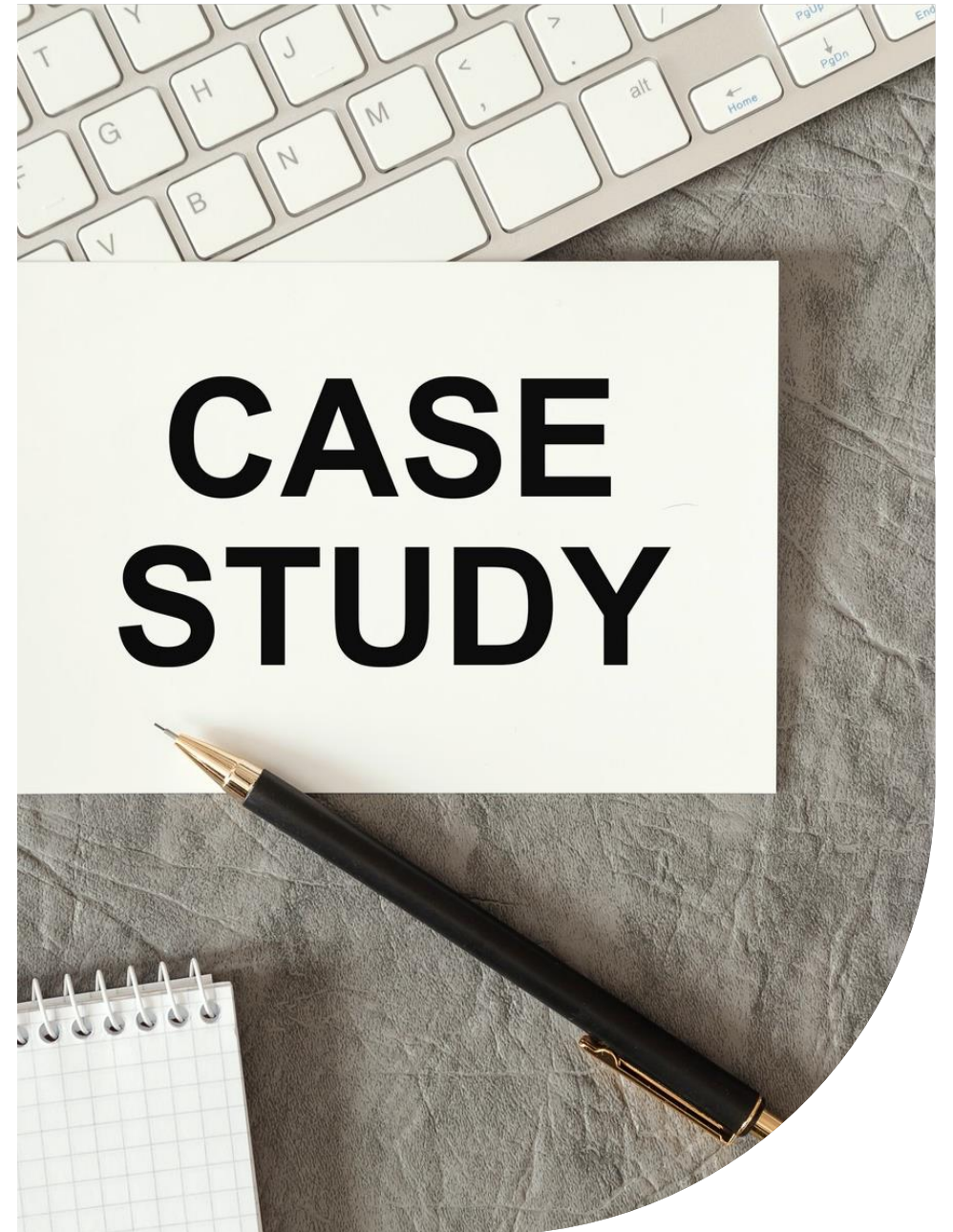
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Real World Bottlenecks

Your Tools to Fight Them



PERMIT FLEXIBILITY AND STREAMLINING CONDITIONS QUICK GUIDE

OFFICE OF AIR QUALITY (OAQ) PERMITS

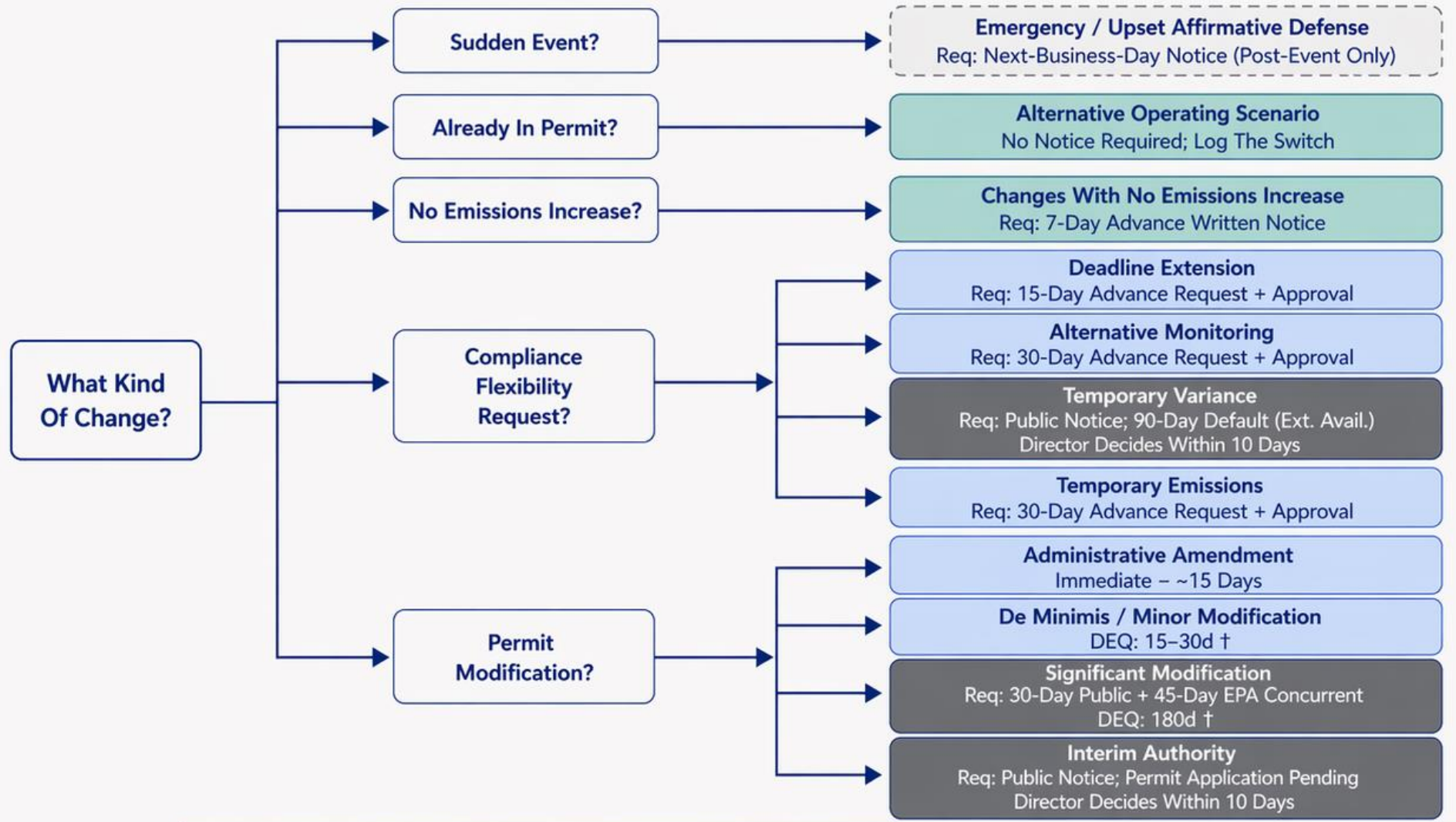
8 CAR § 41-316 specifies that DEQ may consider requests for the following items for minor source facilities provided that the activity does not violate a federal requirement:

- **Extension to any testing, compliance, or other date in permit:**
Requests must be submitted in writing to DEQ at least fifteen (15) days prior to the deadline.
- **Temporary emissions exceedance and alternative testing or monitoring:**
Requests must be submitted in writing at least thirty (30) days prior to the activity occurring.
- **Alternative to monitoring specified in the stationary source permit:**
Requests must be submitted in writing at least thirty (30) days prior to the alternative monitoring occurring and must be incorporated into the next permit modification application.

Operating scenarios and streamlined conditions that are approved and included in the final permit by DEQ may be implemented without permit revision or notification to DEQ as required above.

The thumbnail shows the document's title page and the first two pages of text. The title page includes the Arkansas Energy & Environment logo and the title 'DIVISION OF ENVIRONMENTAL QUALITY PERMIT FLEXIBILITY AND STREAMLINING CONDITIONS QUICK GUIDE'. The first page, 'PERMIT FLEXIBILITY', details the 'OFFICE OF AIR QUALITY (OAQ) PERMITS' section, which is highlighted in blue in the main image. The second page, 'OFFICE OF WATER QUALITY (OWQ) PERMITS', details the 'OFFICE OF WATER QUALITY (OWQ) PERMITS' section. The document is labeled 'PAGE 1 OF 3' and 'PAGE 2 OF 3'.

WHAT KIND OF CHANGE ARE YOU MAKING?



Teal fill = No permit revision required
 Azure fill = Notice or approval required
 Charcoal fill = Full public process
 Gray dashed border = Affirmative defense (post-event only)

† = DEQ published processing target

† DEQ Air Division published processing target (adeq.state.ar.us/air/faq.aspx). All other times are regulatory obligations.

Alternative Operating Scenario

8 CAR Secs. 40-212, 41-314, 42-701

01

Any operating scenario allowed for in a permit may be implemented by the facility without the need for any permit revision or any notification to DEQ.

02

The permit applicant shall apply for any reasonably anticipated alternative operating scenarios at the time of permit application.

03

DEQ shall include approved alternative operating scenarios in the permit.

Administrative Amendment

8 CAR Sec. 40-207(a); 41-307(a); 42-801 to 42-803

Group A-13 Threshold	Limit
Single HAP	< 1 tpy
Toal HAP	< 2.5 tpy
Any other regulated air pollutant	< 5 tpy

- ▶ Corrects a typographical error (Parts 40/41/42)
- ▶ Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change in the source (Parts 40/41/42)
- ▶ Requires more frequent monitoring or reporting by the permittee (Parts 40/41/42)
- ▶ Incorporates a change in the permit involving the retiring of equipment or emission units, or the decrease of permitted emissions from equipment or emission units (Parts 40/41)
- ▶ Incorporates a change in the permit solely involving the retiring of an emissions unit (Part 42)
- ▶ Incorporates a change to the facility's insignificant activities list (Parts 40/41/42)
- ▶ Change in ownership or operational control where DEQ determines no other change in the permit is necessary (Part 42 only)
- ▶ Incorporates a change in the permit involving air contaminants other than regulated air pollutants already processed under Parts 40/41 (Part 42 only)
- ▶ Timeline: Parts 40/41, immediately upon approval; Part 42, immediately upon submittal of the request (DEQ has 60 days to act)

Change with No Emissions Increase

8 CAR Secs. 40-213, 41-315, 42-702

01

Are not modifications under any provision of Title I of the Act

02

Do not exceed emissions allowable under the permit, whether expressed therein as a rate of emissions or in the terms of total emissions

03

Do not violate applicable requirements

04

Do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

05

7-day advance written notice to the DEQ required; Part 42 also requires notice to U.S. EPA.

Scenario 1: Vehicle Assembly Plant

Adapted from EPA/MRI Manual, Sec. 4.1 (Apr. 1994)

Paint Formulation Change

Plant wants to switch topcoat paint from solvent-based to water-based

Permit limits coatings to solvent-based formulations

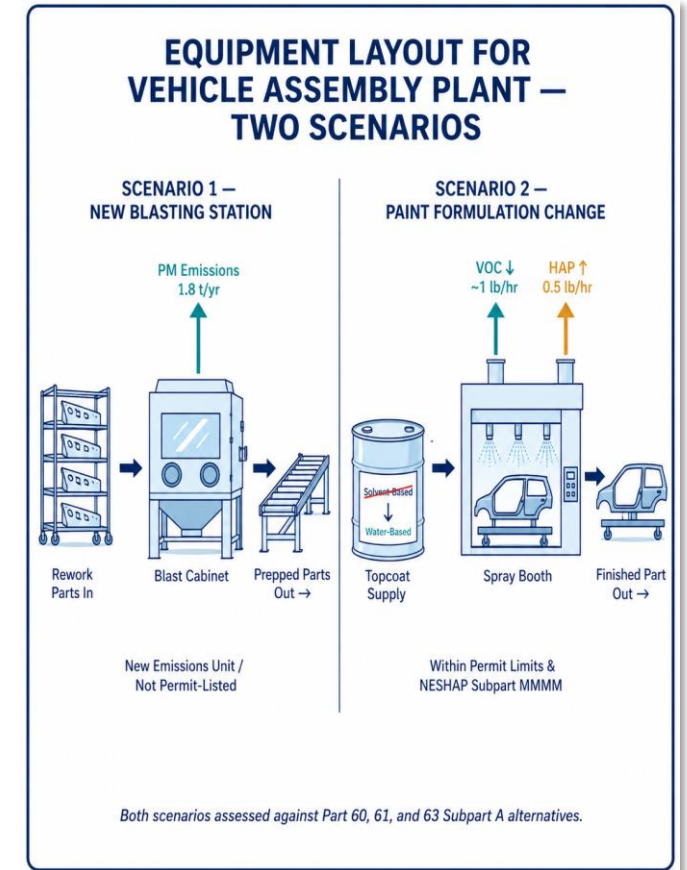
VOC reduces approximately 1 lb/hr; actual HAP emissions increase 0.5 lb/hr; all emissions remain below permit limits and allowances

New Blasting Station

Plant adds abrasive blasting station for surface prep on rework parts. A new client requires the product within 60 days.

Not currently listed as an emissions unit

PM: 1.8 t/yr; no NSPS or MACT



Scenario 2: Permit Modification?

Adapted from EPA/MRI Manual, Secs. 4.1 and 4.2 (Apr. 1994)

TYPE	Vehicle Plant	Pharmaceutical Plant
Facility	Truck assembly plant; plastic parts line, pretreatment, assembly, and two surface coating lines. Each line has a 249 t/yr VOC allowable (498 t/yr combined). Major VOC source.	Chemical synthesis operation; three batch process units, five tank farms, two 100 MMBtu/hr steam boilers, tablet coating, and wastewater treatment. Total permitted VOC: 134 t/yr.
Alternative in permit	Permit contains a condition specifying that two coats shall be applied and an alternative condition specifying that three coats may be applied.	Permit allows use of alternative raw materials in the batch process provided the materials meet specified criteria. Qualifying changes are logged.
Change	Facility wants to add a clear coat after the topcoat on the newer surface coating line. The change was anticipated at permit issuance. VOC increases 25 t/yr but stays within the 249 t/yr allowable.	Facility wishes to reconfigure existing equipment for new products using a new raw material. Emissions do not exceed permitted limits.

Permit Flexibility

8 CAR Secs. 40-214, 41-316, 42-913 — Written DEQ approval required before proceeding

01

Deadline Extension — 15-day advance written request. Extends any testing, compliance, or other date in the permit. No federal violation; demonstrate need; document all reasonable measures taken.

02

Temporary Emissions / Testing — 30-day advance written request. Allows temporary emissions or testing that would exceed a permitted limit. Temporary only; no air pollution condition; quantified; increased emissions < 5 tpy any criteria pollutant, < 1 tpy single HAP, < 2.5 tpy total HAPs; maintain records.

03

Alternative Monitoring — 30-day advance written request. Substitutes an alternative for the monitoring specified in the permit. No federal violation; equivalent or greater monitoring; incorporated into next permit modification application.



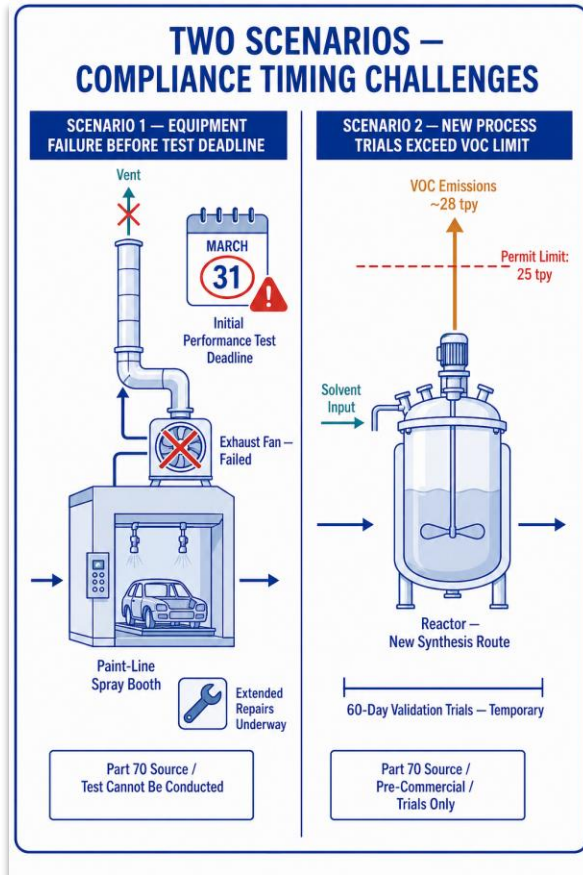
40 CFR Parts 60, 61, and 63 Subpart A general provisions

Don't Forget the Federal Alternatives

Topic	Part 60	Part 61	Part 63
Alternative test method	§60.8(b)	§61.13(h)	§63.7(f)
Performance-test waiver	§60.8(b)(4)	§61.13(h)	§63.7(h)
Alternative monitoring	§60.13	§61.14(g)	§63.8(f)
Alternative recordkeeping / reporting	§60.7	§61.10	§63.10(f)
Alternative emission standard	§60.24	§61.12(d)	§63.6(g)
Alternative opacity standard	§60.11(e)	--	§63.6(h)(9)
Compliance timing relief	§60.8	§61.11	§63.6(i)
Time-period adjustment by agreement	--	§61.12(a)	§63.9(i)

Scenario 3: Permit Flexibility?

Adapted from EPA/MRI Manual, Secs. 4.1 and 4.2 (Apr. 1994)



New Process Trials Exceed VOC Limit

Pharmaceutical batch-process plant, Part 70 source. Planning 60-day validation trials for a new synthesis route.

Trials are expected to push actual VOC emissions approximately 3 tpy above the permitted limit of 25 tpy. Trials are temporary, limited to 60 days, and scheduled before the new product enters commercial production. The exceedance results from solvent use in the new synthesis route.

Equipment Failure Before Test Deadline

Vehicle assembly plant, Part 70 source. Permit requires an initial performance test on the paint-line spray booth by March 31.

Spray booth exhaust ventilation fails in early March and needs extended repairs. The booth cannot be back online by March 31.

De Minimis and Minor Permit Modification

Minor Permit Modification (Part 42 only) — 8 CAR Secs. 42-902 to 42-909

- ▶ No Title I modification
- ▶ No significant monitoring, reporting, or recordkeeping change
- ▶ No new avoidance term or cap of the specified type
- ▶ Timeline: Source may proceed at own risk if DEQ does not respond within 15 days

De Minimis Change (Parts 40 and 41) — 8 CAR Secs. 40-207(c), 41-307(c)

- ▶ Minimal judgment required to establish permit requirements for the modification
- ▶ Modification will result in a trivial environmental impact
- ▶ Not available for significant monitoring, testing, reporting, or recordkeeping relaxations
- ▶ Timeline: immediately upon Division approval

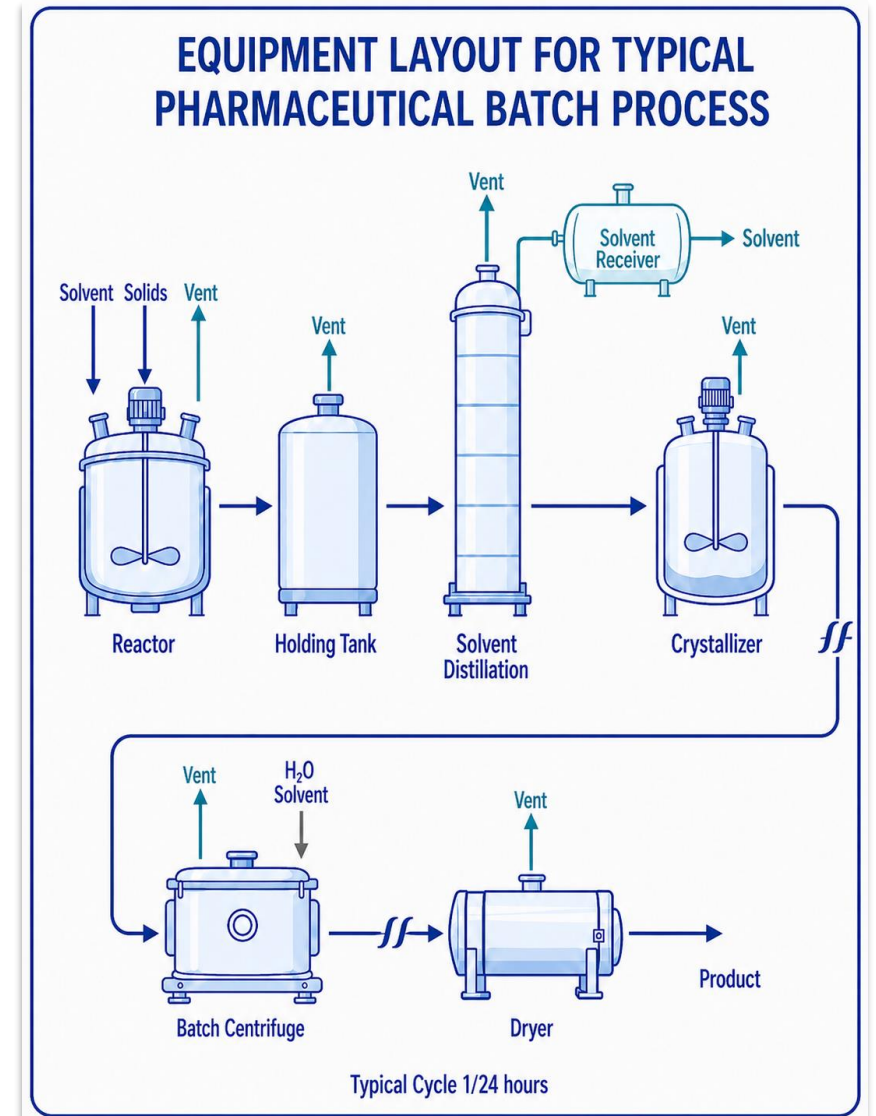
Pollutant	Threshold
CO	< 75 tpy
NOX	< 40 tpy
SO ₂	< 40 tpy
VOC	< 40 tpy
PM	< 25 tpy
PM ₁₀	< 15 tpy
PM _{2.5}	< 10 tpy
Lead	< 0.5 tpy (CAR 40/41) < 0.6 tpy (CAR 42)
CO ₂ e	< 75,000 tpy (CAR 42)

Scenario 4: Pharmaceutical Plant New Crystallizer

Adapted from EPA/MRI Manual, Sec. 4.2 (Apr. 1994)

Facility: Pharmaceutical batch-process plant, Part 70 source. Multiple synthesis trains using organic solvents. Subject to MACT (40 CFR Part 63 Subpart GGG) and state HAP limits.

Situation: Plant adds a new crystallizer to Synthesis Train B. The crystallizer emits approximately 35 tpy of a VOC solvent and 5 tpy of HAP. The existing permit does not cover this unit. Under the MACT process changes are allowable with notification.



Significant Permit Modification

Part 42 only — 8 CAR Sec. 42-910; full public process; no 15-day self-implementation right

01 Required for new applicable requirements

02 Required for Title I modifications

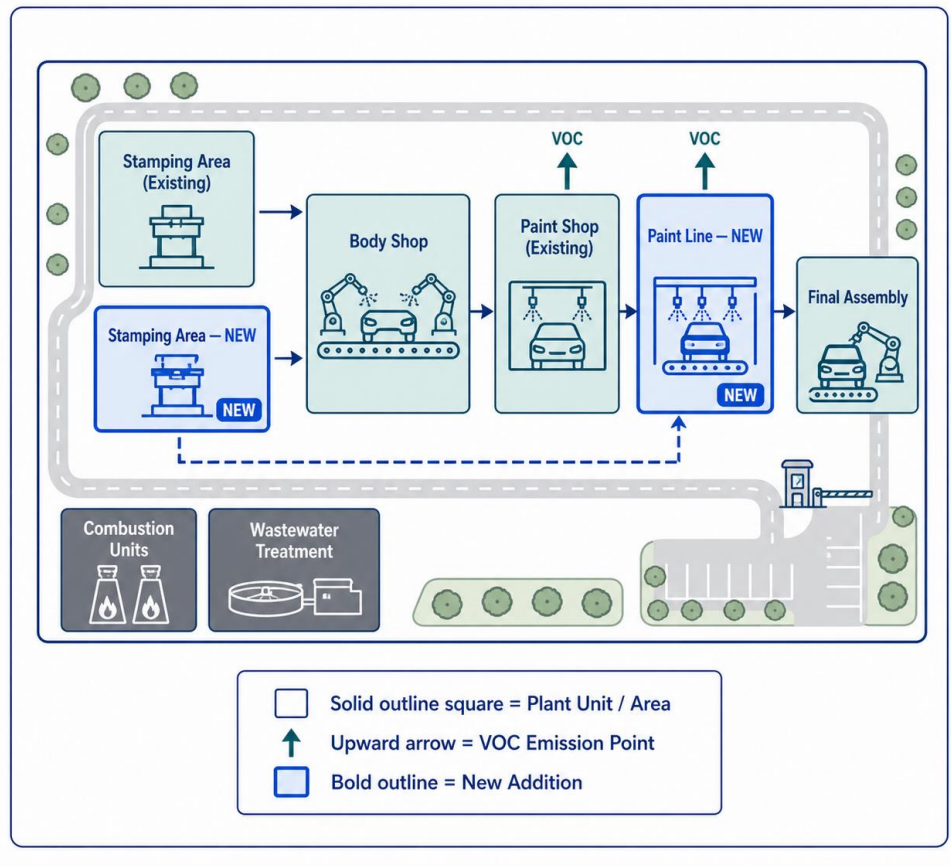
03 Required for significant monitoring, reporting, or recordkeeping changes

04 Required for larger emission increases and certain emissions caps or avoidance terms

05 May also trigger PSD/NSR review under 8 CAR Pt. 41 Ch. 9 when thresholds are met

06 Timeline: Full public process required before implementation

CONFIGURATION OF A HYPOTHETICAL VEHICLE ASSEMBLY PLANT



Adapted from EPA/MRI Manual, Sec. 4.1 (Apr. 1994)

Scenario 5: Vehicle Plant Adds a New Stamping and Paint Line

Facility: Vehicle assembly plant, Part 70 source. Already a major source for VOC.

Situation: Plant proposes to add a new stamping and paint line to manufacture a new vehicle model. The new equipment would add approximately 45 tpy of VOC emissions. Plant removes 10 tpy VOC from the permitted PTE for existing paint shop that has not historically been used.



Extraordinary Tools

Temporary Variance — Ark. Code Ann. § 8-4-230; 8 CAR Sec. 11-216

- ▶ Short-term relief from existing permit requirements
- ▶ Must show compelling reasons and good cause
- ▶ Timeline: Director decision within 10 days; publicly noticed; up to 90 days if granted

Interim Authority — Ark. Code Ann. § 8-4-230; 8 CAR Sec. 11-216

- ▶ Short-term authority to construct or operate during application review
- ▶ Must show compelling reasons and good cause; administratively complete application required
- ▶ Not applicable to PSD (40 CFR Part 52.21(a)(2)(iii))
- ▶ Timeline: Director decision within 10 days; publicly noticed; up to 90 days if granted

Emergency / Upset Affirmative Defense — 8 CAR Sec. 40-1005; 8 CAR Secs. 41-501 to 41-502; 8 CAR Sec. 42-607

- ▶ Not advance approval; a narrow post-event defense only
- ▶ Applies to sudden, reasonably unforeseeable events beyond the source's control
- ▶ Excludes poor design, lack of preventive maintenance, careless operation, and operator error
- ▶ Requires proper operation and reasonable efforts to minimize emissions
- ▶ Timeline: Next-business-day notice to DEQ required

Arkansas Permit Streamlining/Expediting Update



Permit Expediting

- **Programs found in a number of other states such as:**
 - Texas
 - Oklahoma
 - Mississippi
 - Louisiana
 - Georgia
- **All provide for a fee the opportunity to expedite permit processing.**
- **To facilitate this, states vary but use one of two methods:**
 - Retain contractors.
 - Utilize willing agency employees who seek overtime or some other benefit.



Permit Expediting, continued

- **AEF meetings with ADEQ constructive.**
- **AEF legislation drafted that authorizes ADEQ to establish a program using either:**
 - Contractors
 - Volunteering employees
- **Note – Applicable to all ADEQ permit programs along with Elective Site Cleanup Agreements, etc.**
- **Rules would flesh out the program.**



Permit Streamlining

- **AEF Committee has put significant effort into search for permit terms or requirements that may no longer be necessary, duplicative or outdated.**
- **Effort has included:**
 - Extensive Committee discussions.
 - Discussions with ADEQ.
 - Surveying AEF members.
- **Work ongoing.**



Streamlined, Clear, Expeditious Permitting: Arkansas Governor Sanders Signs Executive Order

- **The EO requires that:**
 - Each cabinet-level state agency, along with any state board or commission thereof that issues permits, licenses, certifications, or other such regulatory approvals, including but not limited to the Arkansas Department of Agriculture, the Arkansas Department of Energy and Environment, Arkansas Department of Labor and Licensing, and the Arkansas Department of Health, shall conduct a comprehensive review of all such processes within 120 days of this Order.
 - The review shall identify:
 - Unnecessary steps that can be eliminated, consolidated, or digitized;
 - Statutory or regulatory barriers to faster processing;
 - Opportunities to align timelines across agencies for multi-permit projects;
 - Innovative methods to expedite permitting in coordination with permittees, licensees, and other relevant parties;



Streamlined, Clear, Expeditious Permitting: Arkansas Governor Sanders Signs Executive Order

- Innovative use of artificial intelligence or electronification of certain processes which otherwise delay issuance of permits, licenses, certifications, and other regulatory approvals;
 - Recommendations for setting clear, predictable timelines for agency decisions; and
 - Recommendations for processes or initiatives to streamline or simplify rules, permits, licenses, certifications, and regulatory approvals, including ways to reduce the cost of regulatory compliance and encourage opportunities to modify existing permits.
- ▶ Within 180 days of this Order, each relevant cabinet-level agency, board, and commission shall submit a written Improvement Plan to the Governor that includes:
- Specific process improvements;
 - Any legislative changes needed to implement recommendations;
 - Any rule changes needed to implement recommendations;
 - A timeline for implementation; and
 - Performance metrics such as average turnaround time.

The referenced agencies are required to engage with relevant stakeholders from the regulated community and industry to ensure permitting processes are informed by real-world experience and economic growth.



Federal Landscape 2026

Executive Orders

- ▶ Regulatory Sunset EO (2025): agencies must amend regulations to expire by October 2026; CAA scope pending
- ▶ CAA Sec. 112(i)(4) Presidential Exemption mailbox: new pathway for narrow NESHAP compliance exemptions

EPA Rulemaking and Guidance

- ▶ EPA Mar. 12, 2025 reconsideration package: 31 actions announced; 4 formal final rules published as of Apr. 2026 (Endangerment Finding, MATS, OOOOb/OOOOc oil and gas, CCR coal ash); remainder pending rulemaking
- ▶ Szabo memo (Apr. 16, 2026): Title V renewal streamlining; explicitly reaffirms White Papers 1 and 2

Congress (119th) — passed House; awaiting Senate

- ▶ RED Tape Act (H.R. 6398, Apr. 16): eliminates duplicate NEPA/CAA Sec. 309 review requirement
- ▶ FENCES Act (H.R. 6409, Apr. 16): foreign emissions excluded from permit issuance calculations
- ▶ FIRE Act (H.R. 6387, Apr. 22): wildfire mitigation actions excused from nonattainment determinations
- ▶ CLEAR Act (H.R. 4218): extends NAAQS review cycle from 5 to 10 years
- ▶ Senator Cotton (Arkansas) legislation making FERC sole lead agency
- ▶ Congressman Westerman (1st District, Arkansas) ESA/Clean Water Act legislation

Questions?



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