

Quarterly Newsletter

Associate Director's Update

Welcome!

If you're reading this, you already know there is a lot going on in the ADEQ Office of Air Quality! We continue to strive to carry out our primary mission of protecting and improving air quality in Arkansas while fostering responsible economic expansion opportunities. One of our internal goals is to increase communication between and promote consistency amongst the branches and sections within the Office of Air Quality in order to implement our programs in a uniform manner. This newly-revised newsletter is one product of that effort. It combines news and topics of interest from the major Office of Air Quality programs—Permits, Compliance, Policy and Planning, and Enforcement and Asbestos—into one concise document. I hope you find what you read to be both informative and helpful. Enjoy!

Newsletter Suggestions and Ideas Wanted

This is the inaugural issue of the ADEQ Office of Air Quality's quarterly newsletter. For all the airheads out there, we'll refer to this as our "shakedown" or "tuning" period. Our goal in developing this newsletter was to create a document that communicates the big ticket items from all the ADEQ air programs to the regulated community and citizens of Arkansas. The formatting, style, content, and tone of this newsletter are all subject to change. We want to hear your critiques and criticisms, both the good and the bad. Let us know what you like and what you don't. You can either call or e-mail me directly at (501) 682-0750 or spencer@adeq.state.ar.us respectively. I look forward to receiving your input and ideas!

Permits Branch Newsletter Subscribers

If you were previously subscribed to the Office of Air Quality Permits Branch newsletter, you have automatically been subscribed to this newsletter. The Permits Branch will no longer be issuing a separate newsletter.

To subscribe to or remove your name from our mailing list, please [click here](#).

Questions or comments? Please [click here](#) or call the ADEQ Helpline at 501-682-0923.

Summer 2017



ADEQ's Stuart Spencer and Kevin White meet with Arkadelphia Mayor James Calhoun to award an Asbestos Abatement Grant.

**Office of Air Quality
Associate Director**

[Stuart Spencer](#)

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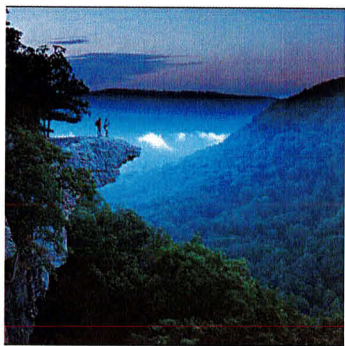
www.adeq.state.ar.us/air/

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Policy and Planning

ADEQ seeks Public Comment on Regional Haze State Implementation Plan Updates



ADEQ is moving forward with the first of two updates to the Regional Haze state implementation plan (SIP). These updates are intended to address those portions of the SIP that EPA disapproved in 2009. ADEQ anticipates that the two planned updates will allow the SIP to replace the EPA's federal implementation plan (FIP), which is currently being litigated in the U.S. Eighth

Circuit Court of Appeals.

The first proposed SIP update would allow the State to rely on the Cross-State Air Pollution Rule (CSAPR) to address nitrogen oxides emissions from power plants rather than require source-specific controls. CSAPR is a nitrogen oxides emissions trading program that provides emissions budgets for each state. Arkansas is subject to CSAPR during the ozone season, which lasts from May 1 until September 30 of each year. ADEQ estimates that this plan revision will provide greater reductions in nitrogen oxides than the FIP, while providing greater flexibility to the facilities in how they comply with the Regional Haze program.

ADEQ anticipates the second SIP revision will address Regional Haze requirements for sulfur dioxide as the ongoing litigation surrounding the EPA's federal implementation plan for regional haze continues.

For more information about the status of the regional haze state implementation plan, please visit our Regional Haze webpage: <https://www.adeq.state.ar.us/air/planning/sip/regional-haze.aspx>.

Air Quality Index Now on Facebook and Twitter

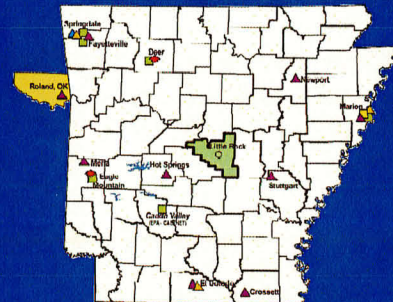
You can now receive updates on air quality in Arkansas via Facebook and Twitter. Each day, ADEQ posts the air quality index rating for central and northwest Arkansas.

twitter.com/ArkansasDEQ

facebook.com/ArkansasDepartmentofEnvironmentalQuality



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William K. Montgomery
501-682-0885



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Policy and Planning

Volkswagen Mitigation Plan Development



Volkswagen

Mitigation Plan Goals

The primary goal of the Arkansas Environmental Mitigation Plan will be to achieve significant and sustained reductions of nitrogen oxides emissions.

Other anticipated benefits of the plan include:

- Reductions in emissions of other pollutants
- Increased market penetration of alternative fuel-powered vehicles
- Economic development in Arkansas

All projects completed under the Environmental Mitigation Plan will serve to improve air quality throughout Arkansas and improve the lives of all Arkansans.

ADEQ intends to put out a Request for Information on actions to include in its Environmental Mitigation Plan and to solicit comments on a draft plan in the coming weeks. For more information on the potential uses of the Volkswagen Settlement Mitigation funds for Arkansas, please visit <https://www.adeg.state.ar.us/air/planning/vw.aspx>.

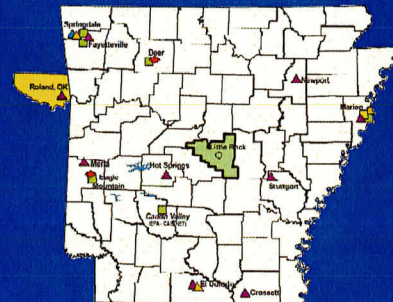
Regulatory Streamlining Project

The Office of Air Quality is working on a regulatory streamlining project to reconcile differences between Arkansas Pollution Control and Ecology Commission Regulation Nos. 18, 19, 26, and 31, and to consolidate the regulations into a single, streamlined, and more user-friendly regulation. This project has been years in the making, but is reaching its final stages. The Office of Air Quality is preparing to debut a strawman draft of the consolidated regulation and solicit input from stakeholders and the public later this year.

The Office of Air Quality's Policy and Planning Branch is working with the Arkansas Energy Office to develop a draft plan for reducing emissions of nitrogen oxides from mobile sources using money made available to the states under the Volkswagen Environmental Mitigation Trust.

The Volkswagen Environmental Mitigation Trust is the result of two consent decrees agreed upon to partially settle allegations that Volkswagen and its associated legal entities violated the federal Clean Air Act. Volkswagen sold vehicles that were equipped with emission control defeat devices that allowed vehicles to pass nitrogen oxide emissions standards testing, but disabled controls during normal driving conditions resulting in much higher nitrogen oxides than allowed under federal law.

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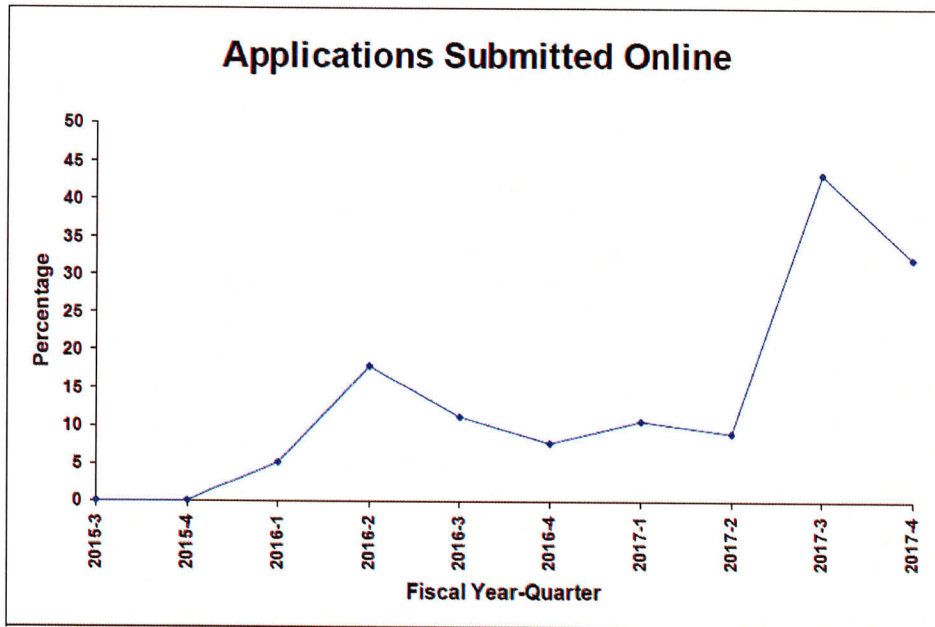
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Permits

Submitting Permit Requests Online

Applying for Permits using ePortal

Submitting an air permit application through our ePortal system is no more difficult than paper applications.



Submitting online has the added benefits of:

- Enhanced tracking for the applicant—confirmation of permit application submission is instantaneous and an up-to-date detailed status can be obtained at any time
- More complete instructions imbedded in the application form itself
- Applications can be completed and shared among different users
- Revised applications and even new ones are often simplified through the imbedded functions allowing applicants to start with a copy of the last submitted application

The ePortal system can be accessed through the Air Permits Branch website or directly at <https://eportal.adeq.state.ar.us/>. Select the Air Permits Branch on the Organization drop down menu to access the Air Permits Branch forms.

Story continued on page 5

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Permits

Other Permitting Requests can also be Submitted Online

We also encourage the online submittal of all other permit-related requests, using the Air Miscellaneous Requests form on ePortal, such as:

- Determination if a Registration or Permit is Required for the Facility
- Changes to Operations at a Permitted Facility Resulting in No Emissions Increase
- Extension to Testing or Other Compliance Dates in the Current Permit
- Temporary Emissions/Testing at a Permitted Facility
- Alternative to Required Monitoring in the Current Permit
- Interim Authority, Temporary Variances

New Permit Application Forms

Hardcopy permit application forms have been updated and are available through the website. If you are not using ePortal, please download and use these new forms for any future air permit applications. Eventually we will have to cease accepting old versions of the form.

Permits Branch Seeks Comments on New Air Quality Screening Protocol

The Permits Branch has updated general instructions for staff in conducting screening modeling on air permit applications. It includes updates based on the latest infrastructure state implementation plans and the National Ambient Air Quality Standards state implementation plan, which require demonstrations for coarse particulate matter, nitrogen oxides, and sulfur dioxide emission increases of 100 tons per year or greater. ADEQ intends to finalize the document, considering any comments received, by September 5, 2017. A copy of the draft can be found at <https://www.adeq.state.ar.us/air/permits/>. If you have any comments or suggestions, email the Permits Branch at airpermits@adeq.state.ar.us.

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Compliance

Open Burning

“No person shall cause or permit the open burning of refuse, garbage, trade waste, or other waste material, or shall conduct a salvage operation by open burning.” -Arkansas Pollution Control and Ecology Commission Reg. 18.602

“You mean I can’t burn that?”

The aforementioned is probably the most routinely encountered question faced by ADEQ Office of Air Quality enforcement personnel when working open burning complaints.

A good rule of thumb is that if the item referred to is man-made, or an item has undergone processing, **don’t burn it.**

Man-made products and trade waste are prohibited from being disposed of via open burning.

What is permissible to burn?

- ✓ Open burning of yard waste is legal under State law, but is discouraged and may be prohibited by local ordinances.

Examples of items prohibited from open burning:

- | | |
|---------------------|--|
| × Diapers | × Lumber |
| × Vinyl siding | × Rice hulls |
| × Tires | × Items transported off property of origin |
| × Insulation | |
| × Household garbage | |

Enforcement action can result if there are persistent or recurring offenses to surrounding landowners, fire hazards to surrounding property, or safety hazards causing obscured vision on public roads as determined by appropriate state/local officials.

Recent legislative action amended the law concerning controlled burns:

▣ Act 1274 of 2015

Allows property owners to conduct a controlled burn of a residence or structure on the owner’s property if certain requirements are met

▣ Act 330 of 2017

Allows counties to burn storm debris based on county-declared emergencies

Branch Manager

Heinz Braun

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[Yard Waste](#)

[Hydrogen-Sulfide Testing at Georgia-Pacific Crossett](#)

Asbestos and Enforcement

Change is in the Air

Recently, the Asbestos and Enforcement programs were merged into one Office of Air Quality branch. Demetria and her team have been busy assessing and developing the operational procedures for both programs. Most recently, the Asbestos section has been tasked with reviewing the procedures for processing Asbestos Abatement Grant Program requests in order to align with recent legislation. The Enforcement team continues to work with Compliance on developing an efficient referral methodology. Both the Asbestos and Enforcement sections have developed team goals to work towards improving practices and strategies, and to identify worthwhile and meaningful initiatives.

Transformations: A Year in Asbestos

The Asbestos staff has undertaken the tasks of revising forms, creating new forms, updating literature, restructuring abatement grant program programs, and developing a new website with fresh content. The staff continues to grow and become more attuned to changes as they strive to make the program more straightforward and consistent for the asbestos community.

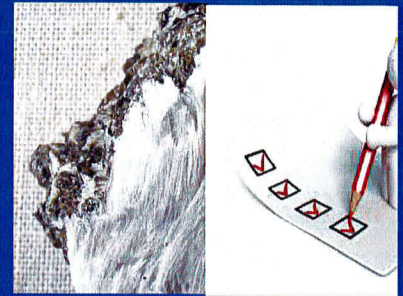


Web Site & Literature

One goal is to make the Asbestos Program accessible and easy to use, so the staff is working to update brochures and other documents. Giving these tools a new look somewhat changes the functionality of them and makes them easier to follow. As we complete the development of the new tools, items are being integrated into our current website. By the time the last document finishes the development process we anticipate transition to a more user friendly website that is easier to navigate. Expect these changes early fall 2017.

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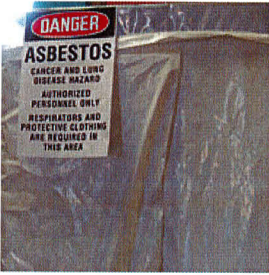
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Asbestos and Enforcement

Asbestos Abatement Grant Program



Many have inquired about the asbestos abatement grant. Currently, Asbestos staff is restructuring and updating the program, in light of recently passed legislation, including development of new forms, literature, and grant requirements.

Basic information regarding the program is as follows:

- Funds are available to cities and counties with populations of 50,000 or less
- A total of \$150,000 is available for distribution per year
- In order to qualify, an applicant must own an eligible structure

Expect more details later this summer.

Asbestos Notice of Intent & Application Forms

The notice of intent (NOI) and application forms changed in early 2017. However, we continue to evaluate and modernize these forms based on the feedback we received from the asbestos community. Although new forms were released earlier this year, newer forms will be integrated into the flow.

Nuisance Abatement Notices

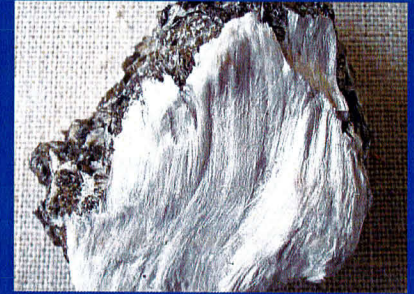
ADEQ Clarification Memorandum 2008-02 provides for nuisance abatements of residential homes for reasons of public health, welfare or safety. Nuisance abatement demolitions are not subject to the provisions of APC&EC Regulation 21, when certain conditions are met.

We have a form for that! The Notice of Nuisance Abatement form is now available on our webpage for a local governments to complete and submit for nuisance abatements.

<h1 style="text-align: center;">ADEQ</h1> <p style="text-align: center;">ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY</p> <h2 style="text-align: center;">NOTICE OF COMPLAINT ABUSE</h2>			
LOCAL GOVERNMENT INFORMATION			
1. Local Government Name:			
2. Address:			
3. City:	4. State:	5. Zip:	
6. Contact Name:	7. Email Address:	8. Contact Phone:	
DESCRIPTION OF SUBJECT BUILDING & USE			
10. Property Address:			
11. City:	12. State:	13. Zip:	
14. Describe the building in a small, concise building and use the following as a guide to answer the questions below. If the building is a residential building, please provide the address and the use of the building. If the building is a commercial building, please provide the address and the use of the building. If the building is a public building, please provide the address and the use of the building. If the building is a public building, please provide the address and the use of the building. If the building is a public building, please provide the address and the use of the building.			
15. How long has the building been in use?	16. How long has the building been in use?		
17. Is the building a:	18. Is the building a:		
19. Is the building a:	20. Is the building a:		
21. Is the building a:	22. Is the building a:		
23. Is the building a:	24. Is the building a:		
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95. Is the building a:	96. Is the building a:		
97. Is the building a:	98. Is the building a:		
99. Is the building a:	100. Is the building a:		
CONTRACTOR			
20. Contractor Name:			
21. Address:			
22. City:	23. State:	24. Zip:	
25. Phone Number:			
I certify that the information contained in this notice is true and correct and are within the jurisdiction of the Commission on Professional Conduct.			
Printed Name: _____		Signature: _____	
Date: _____		Date: _____	
Title: _____		Title: _____	
Signature: _____		Signature: _____	
Date: _____		Date: _____	
Title: _____		Title: _____	
Signature: _____		Signature: _____	
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Story continued on page 9

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Asbestos

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Asbestos and Enforcement

All NOI and application forms can be found on our webpage at <https://www.adeg.state.ar.us/air/program/asbestos/>. In addition, checklists are available on the webpage to help with the completion of application forms.

Please review Arkansas Asbestos Abatement Regulation, Reg. 21.606 for the requirements of a notice of intent. Be mindful any information not provided upfront slows the notice of intent process and may possibly even effect the start date of a demolition or renovation.

Emergency Renovations

“Emergency renovation operation means a renovation operation that was not planned but results from a sudden, unexpected event that, if not immediately attended to presents a safety or public health hazard, is necessary to protect equipment from damage, or is necessary to avoid imposing an unreasonable financial burden. This term includes operations necessitated by nonroutine failures of equipment.” -Arkansas Asbestos Abatement Regulation, Regulation 21

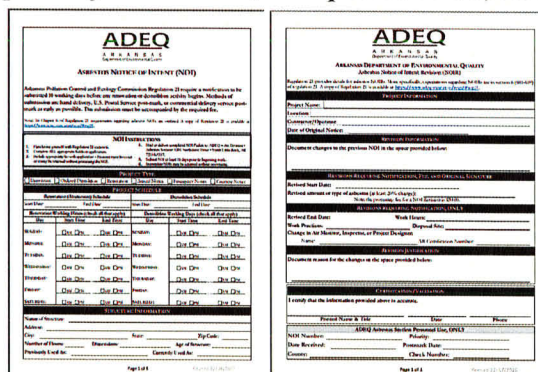
“What needs to be done to provide notice of an emergency renovation and what information should be included in that notice?”

The submittal of an NOI for emergency renovations is the avenue in which owner/operators can provide notice for those sudden, unexpected situations that arise that require immediate attention to prevent unsafe and health hazards to public health and the environment.

“All written NOI’s shall be submitted on a form provided by the Department and shall include the following:

...

For emergency renovations described in Reg. 21.605, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden.” -Arkansas Asbestos Abatement Regulation Reg. 21.606 (O)



Story continued on page 10

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Asbestos and Enforcement

“What fees are associated with an emergency renovation NOI?”

“In order to support the costs of operating the asbestos program in the state of Arkansas, the Department will assess the fees as described in this section.” -Arkansas Asbestos Abatement Regulation Reg. 21.2201

Fees associated with an emergency renovation include the appropriate NOI fee based upon the square/linear feet of RACM involved in the renovation of a facility in addition to the emergency renovation operations NOI fee of \$225 outline in Reg. 21.2221.

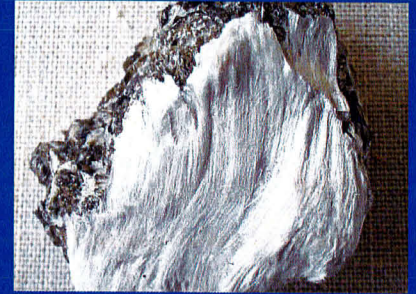
Examples of Emergency Renovation Fee Assessment

- ⇒ Renovation –160 square/260 linear to 5,000 square / linear feet of RACM \$225 plus emergency renovation operations NOI fee of \$225 = \$450
- ⇒ Renovation –5001 square/260 linear to 10,000 square /linear feet of RACM \$375 plus emergency renovation operations NOI fee of \$225 = \$600
- ⇒ Renovation –Greater than 10,000 square /linear feet of RACM \$750 plus emergency renovation operations NOI fee of \$225 = \$975

The Asbestos Section Appreciates Your Feedback

The Asbestos Section has had so much feedback over the last year. Much of it has been very constructive, now we want to give back and let our community know we are listening and we want to ease the process as much as possible.

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Asbestos and Enforcement

Enforcement Updates

The Enforcement Section is an integral part of the Office of Air Quality team. Making phone calls, writing letters, and drafting Consent Administrative Orders; Enforcement collaborates with ADEQ's Legal Department, Air Quality's Permits, Planning, Compliance, and the EPA to facilitate sustainable solutions that are unique to each enforcement referral.



Enforcement acts to support each section of the Office of Air Quality. As we continue to evaluate our program for efficiency, consistency, and uniformity, we are undergoing a very necessary metamorphosis, which includes restructuring of its website to increase awareness of the section's work.

REALITY One of the goals of the Enforcement Section is to create a reality where we are not needed. We can achieve that reality by driving towards 100% compliance. ADEQ's Environmental Self-Disclosure Incentive Policy (Incentive Policy) is one of the mechanism that can be used to help achieve this compliance reality. The Incentive Policy guides the Enforcement Section in the exercise of its enforcement discretion and sets out the terms under which the amount of civil penalties contained in CAOs may be reduced following voluntary self-evaluation and self-disclosure of environmental violations. The Incentive Policy encourages candid self-assessment, prompt disclosure, and expeditious correction of environmental violations, which, in turn, will enhance protection of human health and the environment and drive towards a reality of compliance.

Other goals of the Enforcement Section is to create a reality that when compliance can not be achieved and an enforcement action is warranted, to quickly address any impacts to the environment and human health, to have 100% compliance achieved as soon as possible and to utilized penalties, when appropriate, as a deterrent for future non-compliance.

Story continued on page 12

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Asbestos and Enforcement

Expedited Enforcement Settlement Policy

We achieve these goals by optimizing the efficiency and effectiveness of the enforcement program through the ADEQ Expedited Enforcement Settlement Policy (Settlement Policy). The Settlement Policy al-



lows for the concentration of resources on serious issues which have the highest impact on the environment and human health, while retaining the elements of an effective enforcement program. To provide an incentive to expedite settlement of CAOs, in some cases, a fifty percent (50%) discount on the proposed civil penalty is given if eligibility requirements are met, the CAO is

signed and returned for execution within a designated period, usually twenty (20) days of receipt of the “expedited settlement” offer. The Settlement Policy grants extreme relief from civil penalties and achieves a rapid reduction of any possible risks to the environment or to human health which might occur due to continuing violations.

NEW

Enforcement Letters

The Enforcement Section now sends out a letter to notify you if your facility is proceeding through formal enforcement from non-compliance with permit conditions and state and/or federal regulations. This letter is intended to provide facility’s and individuals proceeding through formal enforcement a *heads up* as well as allow for the submittal of additional information to be considered.

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