

Arkansas Regulation No. 19, Regulations of the Arkansas Plan of
Implementation for Air Pollution Control

CHAPTER 2: DEFINITIONS

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CHAPTER 2: DEFINITIONS

Terms and phrases used in this regulation which are not explicitly defined herein shall have the same meaning as those terms which are used in the federal Clean Air Act. For purposes of this regulation:

“12-month period” means a period of 12 consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

“Actual emissions” means the quantity of federally regulated air pollutants emitted from a stationary source considering emissions control equipment and actual hours of source operation or amount of material processed.

“CO₂ equivalent emissions” (CO₂e) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions tpy, for each of the six greenhouse gases in the pollutant GHGs, by the gas’s associated global warming potential published at Table A - 1 to subpart A of 40 CFR Part 98 - Global Warming Potentials (which is incorporated by reference as finalized by EPA as of October 30, 2009), and summing the resultant value for each to compute a tpy CO₂ equivalent emissions. For purposes of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

“Commission” means the Arkansas Pollution Control and Ecology Commission.

“Construction” means fabrication, erection, or installation of equipment. See also 40 CFR 60.2, 40 CFR 51.165, and 40 CFR 52.21.

“Control apparatus” means any device which prevents, controls, detects or records the emission of any federally regulated air pollutants.

“Department” means the Arkansas Department of Environmental Quality, or its successor. When reference is made in this regulation to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.

“Director” means the Director of the Arkansas Department of Environmental Quality, or its successor, acting directly or through the staff of the Department.

“Emission limitation” and **“emission standard”** mean a requirement established by the Department or the Administrator of the United States Environmental Protection Agency which limits the emissions of federally regulated air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

“Emission unit” means any article, machine, equipment, operation, or contrivance that emits or has the potential to emit any federally regulated air pollutant.

“EPA” means the United States Environmental Protection Agency.

“Equipment” means any device, except equipment used for any mode of vehicular transportation, capable of causing the emission of a federally regulated air pollutant into the open air, and any stack, conduit, flue, duct, vent, or similar device connected or attached to or serving the equipment.

“Federal Clean Air Act” or **“Clean Air Act”** or **“FCAA”** or **“the Act”** means the federal Clean Air Act, as amended, 42 U.S.C. 7401, *et seq.* and its implementing regulations as of the effective date of this regulation.

“Federally regulated air pollutant” means the following:

- (A) Nitrogen oxides or any volatile organic compounds;

- (B) Any pollutant for which a National Ambient Air Quality Standard has been promulgated;
- (C) Except as provided in (E), any pollutant that is subject to any standard promulgated under 42 U.S.C. §§ 7401, *et seq.*, as of the effective date of this regulation;
- (D) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Clean Air Act, 42 U.S.C. §§ 7401, *et seq.* as amended as of July 1, 1997.
- (E) GHGs, except that GHGs shall not be a Federally Regulated Air Pollutant unless the GHG emissions are:
 - (1) from a stationary source emitting or having the potential to emit 75,000 tpy CO₂e emissions or more; and
 - (2) regulated under Chapter 9 of this Regulation 19.

“Fugitive emissions” means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Those emissions are those that, according to customary and good engineering practice, considering technological and economic feasibility, could not pass through a stack, chimney, vent or other functionally-equivalent opening, except that the Department will utilize the definition of fugitive emissions for those industries for which an approved EPA definition exist under federal law or regulation and which are meeting that law or regulation.

“Greenhouse gases” (GHGs) means the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

“Hazardous Air Pollutant” or **“HAP”** means any air pollutant listed pursuant to § 112 of the Clean Air Act, as amended, 42 U.S.C. §§ 7401, *et seq.*, as of the effective date of this regulation.

“Modification” means any physical change in, or change in the method of operation of, a stationary source which increases the emission rate of any federally regulated air pollutant over permitted rates or which results in the emission of a federally regulated air pollutant not previously emitted, except that:

- (A) Routine maintenance, repair, and replacement shall not be considered a physical change, and
- (B) The following shall not be considered a change in the method of operation:
 - (1) Any change in the production rate, if such change does not exceed the permitted operating capacity of the source;
 - (2) Any change in the hours of operation, as long as it does not violate applicable air permit conditions; or
 - (3) The use of an alternate fuel or raw material, as long as it does not violate applicable air permit conditions.
- (C) *De Minimis* changes, as defined in Reg. 19.407(C), and changes in ownership shall not be considered.

“National Ambient Air Quality Standard” or **“NAAQS,”** mean those ambient air quality standards promulgated by the EPA in 40 CFR Part 50 as of July 27, 2012, as set forth in Appendix B.

“Opacity” means the degree to which air emissions reduce the transmission of light and obscure the view of an object in the background.

“Operator” means any person who leases, operates, controls, or supervises any equipment affected by these regulations.

“Owner” means any person who has legal or equitable title to any source, facility, or equipment affected by these regulations.

“Particulate matter” means any airborne finely divided solid or liquid material with an aerodynamic diameter equal to or less than 100 micrometers.

“Particulate matter emissions” means all particulate matter, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternate method, specified in 40 CFR Part 60 Appendix A or by a test method specified in these

regulations or any supplement thereto, with the exception of condensable particulate matter.

“Person” means any individual or other legal entity or their legal representative or assignee.

“Plan” means the Arkansas Plan of Implementation for Air Pollution Control.

“PM_{2.5}” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers as measured by a reference method based on Appendix L of 40 CFR Part 50 as of July 27, 2012, or by an approved regional method designated in accordance with Appendix C of 40 CFR Part 53.

“PM_{2.5} emissions” means PM_{2.5} emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 51, Appendix M as of July 27, 2012, or by a test method specified in these regulations or any supplement thereto.

“PM₁₀” means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50, or by an equivalent method designated in accordance with 40 CFR Part 53 as of December 8, 1984.

“PM₁₀ emissions” means PM₁₀ emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 51, Appendix M as of July 27, 2012, or by a test method specified in these regulations or any supplement thereto.

“Potential to emit” means the maximum capacity of a stationary source to emit a federally regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a federally regulated air pollutant, including, but not, limited to, air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable to the extent it is regulated by the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.* as of February 15, 1999. Secondary air emissions do not count in determining the potential to emit of a stationary source.

“Responsible official” means one of the following:

- (A) For a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative or such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (1) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 United States dollars); or
 - (2) The delegation of authority to such representative is approved in advance by the Department;
- (B) For partnership or sole proprietorship: a general partner or the proprietor, respectively;
- (C) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this regulation, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or
- (D) For acid rain sources:
 - (1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under Part 70.

“Secondary emissions” means those emissions of federally regulated air pollutants which, although associated with a source, are not emitted from the source itself.

“Shutdown” means the cessation of operation of equipment.

“Startup” means the setting in operation of equipment.

“Stationary source” means any building, structure, facility, or installation which emits or may emit any federally regulated air pollutant.

“Title I modification” means any modification as defined under any regulation promulgated pursuant to Title I of the federal Clean Air Act. *De minimis* changes under Regulation 19, changes to state only permit requirements, administrative permit amendments, and changes to the insignificant activities list are not Title I modifications.

“Volatile organic compounds” or **“VOC”** means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.

(A) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

- acetone;
- methane;
- ethane;
- methylene chloride (dichloromethane);
- 1,1,1- trichloroethane (methyl chloroform);
- tetrachloroethylene (perchloroethylene);
- 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
- trichlorofluoromethane (CFC-11);
- dichlorodifluoromethane (CFC-12);
- chlorodifluoromethane (HCFC-22);
- trifluoromethane (HFC-23);
- 1,2-dichloro 1,1, 2, 2-tetrafluoroethane (CFC-114);
- chloropentafluoroethane (CFC-115);
- 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
- 1,1,1,2-tetrafluoroethane (HFC-134a);
- 1,1-dichloro 1-fluoroethane (HCFC-141b);
- 1-chloro 1,1-difluoroethane (HCFC-142b);
- 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
- pentafluoroethane (HFC-125);
- 1,1,2,2-tetrafluoroethane (HFC-134);
- 1,1,1-trifluoroethane (HFC-143a);
- 1,1-difluoroethane (HFC-152a);

parachlorobenzotrifluoride (PCBTF);
 cyclic, branched, or linear completely methylated siloxanes;
 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
 difluoromethane (HFC-32);
 ethylfluoride (HFC-161);
 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 1,1,2,2,3-pentafluoropropane (HFC-245ca);
 1,1,2,3,3-pentafluoropropane (HFC 245ea);
 1,1,1,2,3-pentafluoropropane (HFC-245eb);
 1,1,1,3,3-pentafluoropropane (HFC-245fa);
 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
 chlorofluoromethane (HCFC-31);
 1 chloro-1-fluoroethane (HCFC-151a);
 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100);
 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
 ((CF₃)₂CFCF₂OCH₃);
 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE 7200);
 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
 ((CF₃)₂CFCF₂OC₂H₅);
 methyl acetate;
 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃ or HFE-7000);
 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane
 (HFE-7500)
 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
 methyl formate (HCOOCH₃);
 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300);
 and perfluorocarbon compounds which fall into these classes:

- (1) cyclic, branched, or linear, completely fluorinated alkanes;
- (2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (3) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (4) sulfur containing perfluorocarbons with no saturations and with sulfur bonds only to carbon and fluorine.

- (B) For purposes of determining compliance with emission limits, VOC will be measured by the test methods in the approved State Implementation Plan (SIP) or 40 CFR Part 60, Appendix A, as of July 1, 1997, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by the Department.
- (C) As a precondition to excluding these compounds as VOC or at any time thereafter, the Department may require an owner or operator to provide monitoring or testing results demonstrating, to the satisfaction of the Department, the amount of negligibly-reactive compounds in the source's emissions.
- (D) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate.