

Environmental Protection Agency

§ 52.170

Implementation Plan (SIP) requirements.

[55 FR 17437, Apr. 25, 1990 and 55 FR 18108, May 1, 1990]

§ 52.150 Yavapai-Apache Reservation.

(a) The provisions for prevention of significant deterioration of air quality at 40 CFR 52.21 are applicable to the Yavapai-Apache Reservation, pursuant to § 52.21(a).

(b) In accordance with section 164 of the Clean Air Act and the provisions of 40 CFR 52.21(g), the Yavapai-Apache Indian Reservation is designated as a Class I area for the purposes of preventing significant deterioration of air quality.

[61 FR 56470, Nov. 1, 1996]

Subpart E—Arkansas

§ 52.170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Arkansas under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to July 1 1998, was approved for incorporation by reference

by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202-2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M St., SW., Washington, DC 20460; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) *EPA approved regulations.*

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Regulation 19: Regulations of the Arkansas Plan of Implementation for Air Pollution Control				
Chapter 1: Title, Intent and Purpose				
Section 19.101	Title	01/22/99	10/16/00 (65 FR 61108).	
Section 19.102	Applicability	01/22/99	10/16/00 (65 FR 61108).	
Section 19.103	Intent and Construction	01/22/99	10/16/00 (65 FR 61108).	
Section 19.104	Severability	01/22/99	10/16/00 (65 FR 61108).	
Chapter 2: Definitions				
Chapter 2	Definitions	01/22/99	10/16/00 (65 FR 61108).	
Chapter 3: Protection of the NAAQS				
Section 19.301	Purpose	01/22/99	10/16/00 (65 FR 61108).	

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Section 19.302	Department Responsibilities.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.303	Regulated Sources Responsibilities.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.304	Delegated Federal Programs.	01/22/99	10/16/00 (65 FR 61108).	
Chapter 4: Minor Source Review				
Section 19.401	General Applicability ...	01/22/99	10/16/00 (65 FR 61108).	
Section 19.402	Approval Criteria	01/22/99	10/16/00 (65 FR 61108).	
Section 19.403	Owner/Operator's Responsibilities.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.404	Required Information ...	01/22/99	10/16/00 (65 FR 61108).	
Section 19.405	Action on Application ..	01/22/99	10/16/00 (65 FR 61108).	
Section 19.406	Public Participation	01/22/99	10/16/00 (65 FR 61108).	
Section 19.407	Permit Amendments	01/22/99	10/16/00 (65 FR 61108).	
Section 19.408	Exemption from Permitting.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.409	Transition	01/22/99	10/16/00 (65 FR 61108).	
Section 19.410	Permit Revocation and Cancellation.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.411	General Permits	01/22/99	10/16/00 (65 FR 61108).	
Section 19.412	Dispersion Modeling ...	01/22/99	10/16/00 (65 FR 61108).	
Section 19.413	Confidentiality	01/22/99	10/16/00 (65 FR 61108).	
Chapter 5: General Emission Limitations Applicable to Equipment				
Section 19.501	Purpose	01/22/99	10/16/00 (65 FR 61108).	
Section 19.502	General Regulations ...	01/22/99	10/16/00 (65 FR 61108).	
Section 19.503	Visible Emission Regulations.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.504	Stack Height/Dispersion Regulations.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.505	Revised Emission Limitation.	01/22/99	10/16/00 (65 FR 61108).	
Chapter 6: Upset and Emergency Conditions				
Section 19.601	Upset Conditions	01/22/99	10/16/00 (65 FR 61108).	
Section 19.602	Emergency Conditions	01/22/99	10/16/00 (65 FR 61108).	
Chapter 7: Sampling, Monitoring, and Reporting Requirements				
Section 19.701	Purpose	01/22/99	10/16/00 (65 FR 61108).	
Section 19.702	Air Emission Sampling	01/22/99	10/16/00 (65 FR 61108).	
Section 19.703	Continuous Emission Monitoring.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.704	Notice of Completion ...	01/22/99	10/16/00 (65 FR 61108).	
Section 19.705	Recordkeeping and Reporting Requirements.	01/22/99	10/16/00 (65 FR 61108).	

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Section 19.706	Public Availability of Emissions Data.	01/22/99	10/16/00 (65 FR 61108).	
Chapter 9: PSD				
Section 19.901	Title	01/22/99	10/16/00 (65 FR 61108).	
Section 19.902	Purposes	01/22/99	10/16/00 (65 FR 61108).	
Section 19.903	Definitions	01/22/99	10/16/00 (65 FR 61108).	
Section 19.904	Adoption of Regulations.	01/22/99	10/16/00 (65 FR 61108).	
Chapter 10: Regulations for the Control of Volatile Organic Compounds				
Section 19.1001	Title	01/22/99	10/16/00 (65 FR 61108).	
Section 19.1002	Purpose	01/22/99	10/16/00 (65 FR 61108).	
Section 19.1003	Definitions	01/22/99	10/16/00 (65 FR 61108).	
Section 19.1004	General Provisions	01/22/99	10/16/00 (65 FR 61108).	
Section 19.1005	Provisions for Specific Processes.	01/22/99	10/16/00 (65 FR 61108).	
Section 19.1006	Severability	01/22/99	10/16/00 (65 FR 61108).	
Chapter 11: Major Source Permitting Procedures				
Chapter 11	Major Source Permitting Procedures.	01/22/99	10/16/00 (65 FR 61108).	
Appendix A: Insignificant Activities List				
Appendix A:	Insignificant Activities List.	01/22/99	10/16/00 (65 FR 61108).	
Regulation 26: Regulations of the Arkansas Operating Permit Program				
Chapter 3: Requirements for Permit Applicability				
Section 26.301	Requirement for a permit.	08/10/00	10/9/01 (66 FR 51316).	
Section 26.302	Sources subject to permitting.	08/10/00	10/9/01 (66 FR 51316).	
Chapter 4: Applications for Permits				
Section 26.401	Duty to apply	08/10/00	10/9/01 (66 FR 51316).	
Section 26.402	Standard application form and required information.	08/10/00	10/9/01 (66 FR 51316).	
Section 26.407	Complete application ...	08/10/00	10/9/01 (66 FR 51316).	
Section 26.409	Confidential information	08/10/00	10/9/01 (66 FR 51316).	
Section 26.410	Certification by responsible official.	08/10/00	10/9/01 (66 FR 51316).	
Chapter 5: Action on Application				
Section 26.501	Action of part 70 permit applications.	08/10/00	10/9/01	Subsection B Not in SIP
Section 26.502	Final action on permit application.	08/10/00	10/9/01 (66 FR 51316).	
Chapter 6: Permit Review by the Public, Affected States, and EPA				
Section 26.601	Untitled introduction to Chapter 6.	08/10/00	10/9/01 (66 FR 51316).	

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Section 26.602	Public participation	08/10/00	10/9/01	Only Subsection A(1), A(2), A(5), and D in SIP
Section 26.603	Transmission of information to the Administrator.	08/10/00	10/9/01 (66 FR 51316).	
Section 26.604	Review of draft permit by affected States.	08/10/00	10/9/01 (66 FR 51316).	

Arkansas Regulation No. 9: Permit Fees

Section 1	Purpose	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 2	Short Title	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 3	Definitions	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 4	Applicability	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 5	Maximum Fees	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 6	Retroactivity	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 7	Permit Fee Payment	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 8	Refunds	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 9	Solid Waste Fee	NOT IN SIP.
Section 10	Fee Schedule	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 11	Review of Fees	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 12	Severability	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 13	Appeals	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 14	Effective Date	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).

Prevention of Significant Deterioration Supplement to the Arkansas Plan of Implementation for Air Pollution Control

Section 1	Title	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28). See 40 CFR 52.181 for status of Arkansas PSD regulations in Arkansas SIP.
Section 2	Purpose	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 3	Definitions	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 4	Adoption of Regulations.	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 5	Severability	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 6	Effective Date	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).

Regulations for the Control of Volatile Organic Compounds

Section 1	Title	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).
Section 2	Purpose	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).
Section 3	Definitions	04/23/81	10/13/81, 46 FR 50370	Ref 52.200(c)(13).
Section 4	General Provisions	04/23/81	10/13/81, 46 FR 50370	Ref 52.200(c)(13).
Section 5	Provisions for Specific Processes.	12/19/79	02/08/83, 48 FR 05722	Ref 52.200(c)(21).
Section 6	Severability	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).

(d) *EPA-approved State source-specific requirements.*

EPA-APPROVED ARKANSAS SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State approval/effective date	EPA approval date	Comments
None.				

(e) *EPA-approved nonregulatory provisions and quasi-regulatory measures.*

Environmental Protection Agency

§ 52.170

EPA APPROVED STATUTES IN THE ARKANSAS SIP

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Arkansas Water and Air Pollution Control Act—Part I				
82-1901	Title of Act	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1902	Definitions	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1903	Pollution Control Commission.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1904	Powers and Duties of Commission.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1905	Persons Operating Disposal System—Furnishing Information and Permitting Examinations and Surveys.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1906	Hearing Before Commission or Member—Appeal Procedure.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1907	Co-operation with Agency of Another State or United States.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1908	Actions Declared Public Nuisance—Permit to Construct, Make Changes in or Operate Disposal System—Submission of Plans.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1909	Violation of Act a Misdemeanor—Pollution a Nuisance—Abatement.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
Arkansas Environmental Permit Fees Act (Act 817 of 1983)				
82-1916 thru 82-1921 ..	Permit Fees Act	12/16/85	11/12/86, 51 FR 40975	Ref 52.200(c)(24).
Arkansas Water and Air Pollution Control Act—Part II				
82-1931	Air Pollution—State Policy.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1932	Purpose of Act	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1933	Definitions	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1934	Exemptions	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1935	Powers of Commission	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1936	Factors in Exercise of Commission Powers.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1937	Industrial Secrets Confidential—Revealing a Misdemeanor.	11/25/85	08/04/86, 51 FR 27804	Ref 52.200(c)(23).
82-1938	Unlawful Acts	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1939	Variance From Regulations.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1940	Application of Water Pollution Provisions.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1941	Political Subdivision Forbidden to Legislate on Air Pollution.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1942	Radiation Control Law not Amended or Repealed—No authority to Commission Over Employer-Employee Relationships.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1943	Private Rights Unchanged.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).

EPA APPROVED STATUTES IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Small Business Assistance Program Act (Act 251 of 1993)				
Act 251	SBAP Act	02/26/93	03/08/95 60 FR 12691	Ref 52.200(c)(31).

EPA APPROVED CONTROL MEASURES IN THE ARKANSAS SIP

Control measures	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Air Quality Surveillance Network.	Statewide	02/15/77	04/11/79, 44 FR 21645	Ref 52.200(c)(6).
Lead SIP	Statewide	12/10/79	04/16/82, 47 FR 16330	Ref 52.200(c)(17).
Air Quality Surveillance Data Reporting.	Statewide	04/24/80	08/06/81, 46 FR 40006	Ref 52.200(c)(20).
Protection of Visibility in Mandatory Class I Federal Areas.	Statewide	06/12/85	02/10/86, 51 FR 04912	Ref 52.200(c)(22).
Part II of the Visibility Protection Plan.	Statewide	10/09/87	07/21/88, 53 FR 27517	Ref 52.200(c)(25)
Stack Height Negative Declaration.	Statewide	09/12/86	04/10/89, 54 FR 14222	Ref 52.200(c)(26).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	Statewide	11/06/92	03/08/95, 60 FR 12691	Ref 52.200(c)(31).

[63 FR 56927, Oct. 23, 1998, as amended at 65 FR 61107, Oct. 16, 2000; 66 FR 51316, Oct. 9, 2001]

§ 52.171 Classification of regions.

The Arkansas plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Ozone
Central Arkansas Intrastate	II	III	III	III	III
Metropolitan Fort Smith Interstate	II	III	III	III	III
Metropolitan Memphis Interstate	I	III	III	III	I
Monroe (Louisiana)-El Dorado (Arkansas) Interstate	II	III	III	III	III
Northeast Arkansas Intrastate	III	III	III	III	III
Northwest Arkansas Intrastate	III	III	III	III	III
Shreveport-Texarkana-Tyler Interstate	II	III	III	III	III

[37 FR 10850, May 31, 1972, as amended at 39 FR 16346, May 8, 1974; 45 FR 6571, Jan. 29, 1980]

§ 52.172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Arkansas' plan for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Further, the Administrator finds that the plan satisfies all requirements of Part D of the Clean Air Act, as amended in 1977, except as noted below.

[45 FR 6571, Jan. 29, 1980]

§§ 52.173-52.180 [Reserved]

§ 52.181 Significant deterioration of air quality.

(a) The plan submitted by the Governor of Arkansas as follows:

(1) April 23, 1981—submittal of the PSD Supplement Arkansas Plan of Implementation for Pollution Control (the "PSD Supplement") submitted April 23, 1981 (as adopted by the Arkansas Commission on Pollution Control and Ecology (ACPCE) on April 10, 1981);