

**I. Regulatory Structure Options**

- Status Quo: Four Separate Regulations—18, 19, 26, and 31
  - Regulation No. 18: State air code
  - Regulation No. 19: Most SIP provisions, including one nonattainment chapter, and 111(d) Provisions
  - Regulation No. 26: Title V Operating Program and some SIP provisions
  - Regulation No. 31: Nonattainment new source review provisions for the SIP
- Some Consolidation of the Regulations
  - Consolidation of regulations for federal programs with Regulation No. 18 retained in current form
  - Consolidation of regulations for federal programs, except nonattainment new source review, with Regulation No. 18 retained in current form and Regulation No. 31 retained in current form or repealed
  - Options A or B, except that Regulation No. 18 replaces certain provisions with reference to identical procedures in consolidated regulation
- Total Consolidation of the Regulations
  - Air Integrated Regulation V1.0: maximize streamlining by consolidating similar chapters/provisions from all four regulations
  - Air Integrated Regulation V2.0:
    - General provisions and definitions applicable throughout regulation unless otherwise stated
    - Chapters for specific programs: Air Code, Title V, Nonattainment (nonattainment new source review requirements incorporated by reference or reserved)
    - Program-specific definitions included in program-specific chapters
  - Options A or B, except exclusion of nonattainment new source review provisions
  - Other options or structural refinements of Options A or B?

**DISCUSSION:** Examples for two different versions of the Air Integrated Regulation (total consolidation) were presented as examples for consideration by the Workgroup.

- Consolidation in some form will be easier for ADEQ and the public: one docket, fewer unintended phrasing differences between Regulations, reduces redundancy and burden on staff, more efficient process overall
- ADEQ prefers a structure which consolidates, but keeps programs separated by chapters (as they are separated now into different Regulations)
- Emphasis from the group about keeping the State Air Code (Regulation No. 18) separate – other ways to simplify Regulation No. 18 and streamline it, without combining into a consolidated Regulation with federal programs

- Regulation No. 31 could have a “Reserved” chapter in the consolidated Regulation
- Must be careful when streamlining terms – often the same term in two Regulations is different by a couple of words for good reason

*Consensus* from members to consolidate and streamline Regulation Nos. 19 and 26 into one, using chapters to separate programs as in Air Integrated Regulation V2.0. Non-ADEQ members formed consensus on keeping Regulation No. 18 separate, but streamlined. Regulation No. 31 will be repealed, as it is out-of-date, and no longer applicable. A reserved section will be included in Regulation No. 35 for nonattainment NSR should an area of the state be designated nonattainment in the future. ADEQ will develop Regulation No. 35 V3.0 strawman draft.

## II. State Implementation Plan Considerations

- Some regulations have parts that are codified in the SIP – ADEQ provided a spreadsheet of EPA-Approved Air Pollution Programs in Arkansas (the SIP and Designated Facilities Plan for 111(d), and delegated NESHAPs and NSPSs) outlining SIP provisions from Regulation Nos. 9, 19, 26, 31, and the Arkansas Water and Air Pollution Control Act.
- Minor NSR, Title V, PSD, Nonattainment – very different worlds, best divided into separate chapters; emphasis about retaining the Title V and minor NSR distinctions
- Proper documentation will be necessary to revise the SIP, to make sure EPA understands which parts of the consolidated Regulation are actually the SIP
- ADEQ maintains a SIP Status document online; something similar could be included as an Appendix or Exhibit during initial rulemaking, to assist the public and EPA with mapping any changes to the SIP

## III. Grandfathering Consensus

- 19.408(B): KEEP IT.
- 19.503(A)(1): KEEP IT.
- 19.903(B)(6): Condensable part—KEEP IT.
- 18.1103 Conditions/ Upset Emergency Conditions: “D” 1972 date...MAYBE CAN BE DELETED. But, double-check relationships between 1101(D), 1102, and 1103.

## IV. Next Steps for the Workgroup

- Incorporations by Reference (ADEQ will provide discussion aids for this topic at the next meeting)
- Definitions streamlining: Which should be in program-specific chapters and which could go into a common chapter?
- Simplifying PSD

**The next EASE Regulatory Streamlining Workgroup meeting will be set by Doodle Poll.**