

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/11/11  
**A Bill**

HOUSE BILL 1395

5 By: Representative Webb  
6

7 **For An Act To Be Entitled**

8 AN ACT TO PROTECT AIR QUALITY IN THE VICINITY OF  
9 NATURAL GAS DRILLING FIELDS; AND FOR OTHER PURPOSES.  
10

11 **Subtitle**

12 AN ACT TO PROTECT AIR QUALITY IN THE  
13 VICINITY OF NATURAL GAS DRILLING FIELDS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 *SECTION 1. Arkansas Code Title 15, Chapter 72, Subchapter 2 is amended*  
20 *to add additional sections to read as follows:*

21 *15-72-220. Hydraulic fracturing treatment – Air quality.*

22 *The Arkansas Pollution Control and Ecology Commission shall initiate*  
23 *rulemaking on the effective date of this act to:*

24 *(1) Require that an oil and gas developer take all economically*  
25 *feasible measures to reduce or eliminate air emissions during gas drilling,*  
26 *production, transportation, and waste disposal; and*

27 *(2)(A)(i) Require an oil and gas developer to monitor and report*  
28 *air quality for air pollutants regulated under either the Clean Air Act, 42*  
29 *U.S.C. § 7401 et seq., or Arkansas law if:*

30 *(a) A drill pad is within one thousand feet*  
31 *(1,000') of a habitable dwelling; or*

32 *(b) The Arkansas Department of Environmental*  
33 *Quality determines that there is a reasonable risk of air pollution due to*  
34 *the cumulative effect of multiple wells located in the same geographic area.*

35 *(ii) The Arkansas Department of Environmental*  
36 *Quality shall:*



1 (a) Treat the source for permitting purposes  
2 consistent with the federal aggregation definitions under 40 C.F.R.  
3 52.21(b)(6); and

4 (b) Rescind general compressor permit 1868-  
5 AGP-00 unless it can establish that all compressors are permitted consistent  
6 with these factors.

7 (B) The department may lower by regulation the amount of  
8 air pollutants that trigger the air permit requirement;

9 (3)(A) Develop a program for estimating the emissions of  
10 criteria and hazardous air pollutants from the entire gas development sector  
11 including mobile sources.

12 (B) Mobile sources shall include without limitation:

13 (i) Drill rigs;

14 (ii) Diesel trucks;

15 (iii) Hydraulic fracturing pumps;

16 (iv) Well completions;

17 (v) Pipelines;

18 (vi) Valves;

19 (vii) Dehydrators;

20 (viii) Compressors; and

21 (ix) Tanks;

22 (4)(A) Require the Arkansas Department of Environmental Quality  
23 to provide additional air monitoring to residents with complaints about air  
24 quality within ten (10) days if the department determines there is a  
25 reasonable risk of air emission standards being violated.

26 (B) The department shall make all reasonable efforts to  
27 provide additional air monitoring within forty-eight (48) hours if the  
28 alleged air quality violations are reasonably suspected to be caused by  
29 short-term activities such as hydraulic fracturing; and

30 (5) Require the Arkansas Department of Environmental Quality to  
31 evaluate its network of air monitors and ensure that permanent air monitors  
32 sufficient to protect the public health and the environment are located in  
33 the counties where natural gas development is occurring.

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35 15-72-221. Powers and duties.

36 (a) The Arkansas Pollution Control and Ecology Commission has the

1 authority and the affirmative duty under the Arkansas Water and Air Pollution  
2 Control Act, Arkansas Code § 8-4-101 et seq., to make rules to prevent any  
3 person, including the owner, operator, or contractor involved in oil and gas  
4 operations, from causing air pollution, as prohibited by Arkansas Code § 8-4-  
5 310(a)(1);

6 (b) Gas production activities can cause significant air pollution, in  
7 part because many individual relatively minor sources such as individual  
8 wells in a field may combine to be a cumulatively major source of air  
9 pollution; and

10 (c) Air pollution from major sources and cumulatively major sources  
11 must be controlled to protect public health and the environment.

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13 /s/Webb  
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