

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/4/99 S3/5/99 H3/25/99

A Bill

SENATE BILL 573

5 By: Senator Dowd
6
7

For An Act To Be Entitled

9 "AN ACT TO SET HYDROGEN SULFIDE EMISSION STANDARDS;
10 AND FOR OTHER PURPOSES. "

Subtitle

13 "AN ACT TO SET HYDROGEN SULFIDE EMISSION
14 STANDARDS. "

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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 8, Chapter 3, Subchapter 1, is amended
20 to add an additional section to read as follows:

21 "8-3-103. Hydrogen Sul fide Emi ssi ons.

22 (a) Ambient Concentration Standard.

23 (1) Except as provided in Subdivision (d) of this subchapter, no
24 person shall cause or permit emissions from any facility which result in
25 predicted ambient hydrogen sul fide concentrations at any place beyond the
26 facility's perimeter property boundary greater than 80 parts per billion for
27 any eight (8) hour averaging period for residential areas, or greater than 100
28 parts per billion for any eight (8) hour averaging period for non-residential
29 areas.

30 (2) No person shall cause or permit emissions from any facility
31 which result in actual ambient hydrogen sul fide concentrations at any place
32 beyond the facility's perimeter property boundary greater than *twenty (20)*
33 parts per million for any five (5) minute averaging period.

34 (b) Method of Prediction.

35 All estimates of ambient concentrations required under this *section*
36 shall be performed by the department, or performed by the facility and

1 approved by the department, based on the facility's potential to emit hydrogen
2 sulfide, the applicable air quality models, data bases, and other requirements
3 specified in the 'Guideline on Air Quality Models (Revised)' (1986),
4 supplement A (1987), and supplement B (1993).

5 (c) Compliance Plan.

6 In the event the standard is predicted to be exceeded, the facility or
7 facilities whose emissions are found to contribute to the excess shall be
8 given a reasonable period of time to undertake measures to demonstrate
9 compliance, such as a site specific risk assessment which demonstrates that
10 the emissions do not pose a risk to human health at the nearest public
11 receptor, ambient monitoring which demonstrates that the standard is not being
12 exceeded, or undertaking emission reduction measures to reduce emissions of
13 hydrogen sulfide such that the standard will not be exceeded. The compliance
14 measures and schedule of compliance shall be stated in an enforceable
15 settlement agreement or permit modification, or, if the facility does not have
16 an existing permit, an enforcement order.

17 (d) Control Technology Requirements.

18 (1) General Requirements.

19 Rather than demonstrate compliance with the ambient limit
20 contained in subsection (a) of this section, a facility may elect to install
21 and operate (or continue to operate) appropriate control technology which
22 addresses hydrogen sulfide emissions for that source or source category.

23 (2) Determination of Appropriate Control Technology.

24 (A) For purposes of this section, 'appropriate hydrogen
25 sulfide control technology' means control technology, operational practices,
26 or some combination thereof, which will result in the lowest emissions of
27 hydrogen sulfide that a particular facility is reasonably capable of meeting,
28 considering technological and economic feasibility.

29 (B) Compliance with all applicable portions of the
30 following technology standards, in accordance with the schedule set forth in
31 such standards, shall be deemed to be compliance with appropriate hydrogen
32 sulfide control technology:

33 (i) Maximum Achievable Control Technology Standards
34 issued pursuant to Section 112 of the Clean Air Act; promulgated at 40 CFR
35 Part 63 where compliance with such standards will reduce hydrogen sulfide
36 emissions; or

1 (ii) Standards of Performance for New Stationary
2 Sources, promulgated at 40 CFR Part 60, Subpart J, Standards of Performance
3 for Petroleum Refineries; Subpart BB, Standards of Performance for Kraft Paper
4 Mills; Subpart VV, Standards of Performance for Equipment Leaks of VOC in the
5 Synthetic Organic Chemicals Manufacturing Industry; Subpart GGG, Standards of
6 Performance for Equipment Leaks of VOC in Petroleum Refineries; Subpart KKK,
7 Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas
8 Processing Plants; or Subpart LLL, Standards of Performance for Onshore
9 Natural Gas Processing; or

10 (iii) National Emission Standards for Hazardous Air
11 Pollutants under Title III of the Clean Air Act, and standards of performance
12 promulgated pursuant to Section 111(d) of the Clean Air Act, where compliance
13 with such standards will reduce hydrogen sulfide emissions.

14 (C) A facility which is not subject to one of the technology
15 limits listed in Subdivision (d)(2)(B) of this section and which wishes to
16 apply appropriate hydrogen sulfide control technology may apply to the
17 department for a determination of appropriateness at any time, but no later
18 than ninety (90) days after a determination that the ambient standard has been
19 exceeded. Such application shall be made on such forms and contain such
20 information as the department may require and shall include a reasonable time
21 schedule for implementation. When making a determination of appropriateness,
22 the department shall follow the procedures used for making permitting
23 decisions, including public participation requirements.

24 (D) The ambient standard shall not apply to the following
25 facilities:

26 (i) Natural gas pipelines and related facilities which
27 do not transmit gas with a concentration of hydrogen sulfide in excess of 4
28 parts per million;

29 (ii) Natural gas gathering and production pipelines
30 and related facilities which do not transmit gas with a concentration of
31 hydrogen sulfide in excess of thirty (30) parts per million;

32 (iii) Brine pipelines which carry natural gas as a
33 byproduct of the brine;

34 (iv) Wastewater treatment facilities; and

35 (v) Oil and gas drilling and production operations and facilities
36 from the wellhead to the custodial transfer meter as that term is defined by

1 Law.

2 (e) The Oil and Gas Commission is hereby delegated the authority to set
3 hydrogen sulfide standards for oil and gas drilling and production facilities
4 from the wellhead to the custodial transfer meter."

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6 SECTION 2. If another act of the 1999 Regular Session of the General
7 Assembly adds a new section to of the Arkansas Code, having the same number as
8 the section added by this act, the Arkansas Code Revision Commission shall
9 renumber the section added by this act.

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11 SECTION 3. All provisions of this Act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall renumber the section added by this act.

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15 SECTION 4. If any provision of this Act or the application thereof to
16 any person or circumstance is held invalid, such invalidity shall not affect
17 other provisions or applications of the Act which can be given effect without
18 the invalid provision or application, and to this end the provisions of this
19 Act are declared to be severable.

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21 SECTION 5. All laws and parts of laws in conflict with this Act are
22 repealed.

23 /s/ Dowd

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