

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

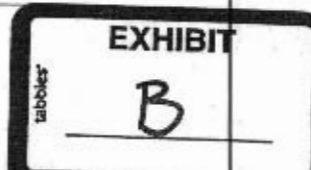
DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Regulated Storage Tanks Division
DIVISION DIRECTOR Joseph M. Hoover, Chief
CONTACT PERSON Dawn Guthrie, ADEQ Chief Legal Counsel
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72118-5317
PHONE NO. 501-682-0886 FAX NO. 501-682-0891 E-MAIL guthrie@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Karen Bassett or Joe Hoover
PRESENTER E-MAIL bassett@adeq.state.ar.us or hoover@adeq.state.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Regulation No. 12: Storage Tanks
- 2. What is the subject of the proposed rule? Regulated Storage Tanks
- 3. Is this rule required to comply with federal statute or regulations? Yes No
If yes, please provide the federal regulation and/or statute citation.
40 U.S.C. § 6991 et seq.; 40 CFR 280; and the federal Energy Policy Act of 2005. The Underground Storage Tank Program is delegated to the State of Arkansas by EPA and administered pursuant to A.C.A. § 8-7-801 et seq., § 8-7-901 et seq., and this Regulation No. 12.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes No
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____



Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

See the attached Petition to Initiate Rulemaking for a summary and Exhibit A for a mark-up copy of the regulation.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

A.C.A. § 8-7-801 et seq., and § 8-7-901 et seq.; specifically, Act 264 of 2007 and Act 282 of 2009.

7. What is the purpose of this proposed rule? Why is it necessary?

The purpose of this regulation is to regulate underground storage tank systems and certain aboveground storage tank systems in order to protect the public health and the lands and waters of the State of Arkansas. The proposed amendments provide clarification to existing Arkansas Petroleum Storage Tank Trust Fund requirements; establish requirements for training and certification of underground storage tank operators as required by federal and state law; incorporate statutory changes made by the 2009 Arkansas General Assembly.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.adeq.state.ar.us

9. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: August 31, 2009

Time: 2:00 p.m. to 4:00 p.m.

Place: ADEQ Commission Room, 5301 Northshore Drive, North Little Rock, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

10 business days after the date of the public hearing: on or about September 15, 2009

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

On or about November 5, 2009

12. Do you expect this rule to be controversial? Yes _____ No If yes, please explain.
13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Arkansas Oil Marketers (for); Arkansas Environmental Federation (for).