

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Air Division
DIVISION DIRECTOR Mike Bates
CONTACT PERSON Mike Bates
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72118-5317
PHONE NO. 501-682-0750 **FAX NO.** 501-682-0753 **E-MAIL** bates@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Mike Bates
PRESENTER E-MAIL bates@adeq.state.ar.us or bassett@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. 21
2. What is the subject of the proposed rule? Arkansas Asbestos Abatement Regulation
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation.
-
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? Not applicable

When does the emergency rule expire? Not applicable

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 ☒

If yes, please provide a brief summary explaining the regulation.

Not applicable

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

Not applicable

Is this an amendment to an existing rule? Yes ☒ 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."**

6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Ark. Code Ann. §§ 8-4-101 *et seq.* and 20-27-1001 *et seq.*

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

The purpose of this proposed rule is to incorporate stakeholders' input in order to clarify Regulation No. 21. The Department also finds it necessary to propose changes to add or delete language for clarity in requirements for record keeping, training provider licenses, documents required for certifications or renewal of licenses and to correct the Occupational Safety and Health Administration (OSHA) Asbestos Construction standard citation.

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).

http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: Sept. 30, 2013

Time: 2:00 p.m.

Place: ADEQ Room 1E09, 5301 Northshore Drive, North Little Rock, AR, 72118

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

Oct. 14, 2013

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

March 28, 2014

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain. Because the Department has collaborated extensively with the public to craft the proposed revisions, it is not expected to be a controversial rulemaking.

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.

The Department expects to receive comments from stakeholders (specifically owners and operators

conducting demolition and/or renovation activities), air monitoring inspectors, construction developers, designers or any person conducting management or disposal of asbestos-containing material record keeping, interested in training provider licenses and documents required for certifications or renewal of licenses. This proposed rulemaking is the result of an extensive two-year collaborative effort between the Department and stakeholders, including public meetings from which currently proposed revisions were taken. The Department provided responses to public concerns which were raised in these meetings and maintained an online listserv for interested parties involved throughout the drafting process. However, the overall consensus on this proposed rule is unknown at this time.
