

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality ("ADEQ")
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 or Karen Bassett
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. 26
2. What is the subject of the proposed rule? Arkansas Operating Air Permit Program
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.
"National Ambient Air Quality Standards for Particulate Matter, Final Rule," 71 Federal Register 61144-61233 (October 17, 2006); "Interpretation of the National Ambient Air Quality Standards for PM2.5—Correcting and Simplifying Amendment," 73 Federal Register 1497-1503 (January 9, 2008).

Adoption of this proposed rulemaking will satisfy requirements under Section 110 of the Clean Air Act which requires that each state provide for implementation, maintenance, and enforcement of National Ambient Air Quality Standards (NAAQS) within the State.

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. §§8-4-201, 8-4-202, 8-4-304, and 8-4-311.

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

The proposed rule updates Regulation No. 26 in order to establish a minor permit modification threshold level for permitting actions involving small emission changes relative to PM2.5 and corrects typographical errors.

Establishing a minor permit modification threshold for fine particulate matter (PM2.5) in Regulation No. 26 will lower the potential cost impacts for those facilities increasing PM2.5 emissions by small amounts and will allow changes to a facility to be implemented more quickly. All other changes to Regulation No. 26 were made as updates, for clarification, and to correct errors

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:

November 13,

Date: 2012

Time: 2:00 p.m.

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

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

4:30 p.m., November 29, 2012

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

June, 2013

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.

In general, it is thought that the facilities that will be receiving permits for particulate matter emissions will not object to this rulemaking. However, the overall consensus towards this proposed rule is unknown at this time.
