

# Procedural Requirements

- ADEQ Regulation Tracking Sheets
- Arkansas Register Transmittal Sheets
- Arkansas State Library Agency Certification Forms

## Note to Reviewer:

The following pages found in Tab G are intentional duplicates of the last pages of the Final regulation:

- Arkansas Register Transmittal Sheet
- Arkansas State Library Agency Certification Form

These two documents are considered part of the effective Regulation and must be submitted to EPA as such, so are included in Tab F following the finalized regulation chapters. The same pages are also used to demonstrate to EPA that Procedural Requirements were followed and that the Regulation is effective at the state level (“10 days after filing”).

**ADEQ REGULATIONS TRACKING SHEET**

**Regulation No. 19**

**Common Name: Regulations of the Arkansas Plan of Implementation for Air Pollution Control**

1. **Strawman review** of draft regulations by key groups.

|                                     | <u>initiated</u>    | <u>completed</u>     | <u>incorporated</u>  |
|-------------------------------------|---------------------|----------------------|----------------------|
| EPA                                 | <u>Dec. 5, 2015</u> | <u>Jan. 12, 2015</u> | <u>Dec. 15, 2015</u> |
| ADEQ Legal/Admin.                   | <u>Nov 18, 2014</u> | <u>Jan. 27, 2015</u> | <u>Jan. 11, 2016</u> |
| Industrial/<br>Environmental Groups | <u>Dec. 5, 2014</u> | <u>Feb. 17, 2015</u> | <u>Jan. 12, 2016</u> |

Comments: ADEQ collaborated with local industry interest groups to complete this regulation revision. During the process, the Department has incorporated many suggestions from industry groups, including several revisions that resulted from the Public Notice and Comment process. The Department is confident that all requisites of internal and external review for this rulemaking have been satisfied.

2. Proposed regulations presentation to Commission's **Regulations Committee** for approval to proceed to public comment period.

*Date:* Dec. 5, 2015 *By:* Mike Bates

*Comments/Approval:* Committee recommended adoption of Petition to initiate rulemaking

3. **Legal notice** of proposed regulations and public hearing.

| <u>publication</u>               | <u>dates of publication</u>  |
|----------------------------------|------------------------------|
| <u>Arkansas Democrat-Gazette</u> | <u>Dec 10 – Dec 11, 2014</u> |

4. Provide **Legislative Council** with three copies of proposed regulations and the legislative questionnaire at least ten days prior to the first public hearing.

5. Hold **public hearing(s)** on the proposed regulations.

| <u>location</u>             | <u>date</u>          | <u>hearing chairman</u>                 |
|-----------------------------|----------------------|---|
| <u>ADEQ Commission Room</u> | <u>Jan. 12, 2015</u> | <u>APC&amp;EC Judge Charles Moulton</u> |

6. Date of final day of public comment period: extended to Feb. 17, 2015

7. **Final proposed regulation** and **response to comments** prepared by Department.

*Date initiated:* Feb. 18, 2015 *Date completed:* Oct. 23, 2015

8. Formal presentation to the **Public Health & Welfare Committee** of the Legislative Council.

*Date:* Jan. 11, 2016 *By:* Stuart Spencer

Comments/Approval: Approval Received by Committee

9. Formal presentation of proposed final regulation to the **Administrative Rules & Regulations Subcommittee** of the Legislative Council (All Regs).

Date: Jan. 12, 2016 By: Stuart Spencer

Comments/Approval: Approval Received by Committee

10. Presentation of proposed final regulation to Commission's **Regulations Committee**.

Date: Feb. 26, 2016 By: Stuart Spencer

Comments/Approval: \_\_\_\_\_  
Committee recommended adoption of the final rulemaking

11. Provide Commission members with copy of proposed final regulation prior to Commission meeting.

Date Delivered: Feb. 12, 2016

12. Present proposed final regulation to the **Commission** for adoption.

Date: Feb. 26, 2016 By: Stuart Spencer

Comments/Approval: \_\_\_\_\_  
Committee approved adoption of the final rulemaking


13. Send two copies of adopted regulation to **Secretary of State** (regulation becomes effective ten days after filing).

Date mailed: Upon final promulgation of Regulation

14. Formally submit adopted regulation to **EPA**.

Date mailed: Upon final promulgation of Regulation

PREPARED BY:  
ARKANSAS DEPARTMENT  
OF ENVIRONMENTAL QUALITY

By:   
Stuart Spencer, Associate Director  
Office of Air Quality

**ADEQ REGULATIONS TRACKING SHEET**

**Regulation No. 26**

**Common Name: Regulations of the Arkansas  
Operating Air Permit Program**

1. **Strawman review** of draft regulations by key groups.

|                                     | <u>initiated</u>    | <u>completed</u>     | <u>incorporated</u>  |
|-------------------------------------|---------------------|----------------------|----------------------|
| EPA                                 | <u>Dec.5, 2015</u>  | <u>Jan. 12, 2015</u> | <u>Dec. 15, 2015</u> |
| ADEQ Legal/Admin.                   | <u>Nov 18, 2014</u> | <u>Jan. 27, 2015</u> | <u>Jan. 11, 2016</u> |
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*Date:* Dec.5, 2015 *By:* Mike Bates

*Comments/Approval:* Committee recommended adoption of Petition to initiate rulemaking

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Date mailed: Upon final promulgation of Regulation

PREPARED BY:  
ARKANSAS DEPARTMENT  
OF ENVIRONMENTAL QUALITY

By:   
Stuart Spencer, Associate Director  
Office of Air Quality

# ARKANSAS REGISTER

## Transmittal Sheet

\* Use only for FINAL and EMERGENCY RULES



Secretary of State  
**Mark Martin**  
State Capitol, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Pollution Control & Ecology Commission

Department Arkansas Department of Environmental Quality

Contact Stewart Spencer E-mail spencer@adeq.state.ar.us Phone 501-682-0750

Statutory Authority for Promulgating Rules Ark. Code Ann. §8-1-203(b) and (1)

**Rule Title:** Regulation No. 19, Regulations of The AR Plan of Implementation for Air Pollution Control; Docket No. 14-010-R; Minute Order No. 16-04  
Intended Effective Date \_\_\_\_\_ Date \_\_\_\_\_  
(Check One)

- |   |                                 |                 |
|---|---------------------------------|-----------------|
| <input type="checkbox"/> Emergency (ACA 25-15-204)  | Legal Notice Published          | <u>12/10/14</u> |
| <input type="checkbox"/> 30 Days After Filing (ACA 25-15-204)   | Final Date for Public Comment   | <u>02/17/15</u> |
| <input checked="" type="checkbox"/> Other <u>10 days after filing</u><br>(Must be more than 30 days after filing date.) | Reviewed by Legislatice Council | <u>01/12/16</u> |
|   | Adopted by State Agency         | <u>02/26/16</u> |

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Contact Person \_\_\_\_\_ E-mail Address \_\_\_\_\_ Date \_\_\_\_\_

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Charles Moulton  
Signature

(501) 682-7890 moulton@adeq.state.ar.us  
Phone Number E-mail Address

Administrative Law Judge  
Title

03/04/16  
Date

**FILED**

**MAR 04 2016**

**Arkansas  
Secretary of State**



# ARKANSAS REGISTER



## Transmittal Sheet

\* Use only for **FINAL** and **EMERGENCY RULES**

Secretary of State  
**Mark Martin**  
State Capitol, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



For Office  
Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Pollution Control & Ecology Commission

Department Arkansas Department of Environmental Quality

Contact Stewart Spencer E-mail spencer@adeq.state.ar.us Phone 501-682-0750

Statutory Authority for Promulgating Rules Ark. Code Ann. §8-1-203(b) and (1)

**Rule Title:** Regulation No. 26, Regulations of the Arkansas Operating Air

Permit Program; Docket No. 14-011-R; Minute Order No. 16-05

Intended Effective Date  
(Check One)

- Emergency (ACA 25-15-204)
- 30 Days After Filing (ACA 25-15-204)
- Other 10 days after filing  
(Must be more than 30 days after filing date.)

|                                 |                 |
|---------------------------------|-----------------|
| Legal Notice Published          | <u>12/10/14</u> |
| Final Date for Public Comment   | <u>02/17/15</u> |
| Reviewed by Legislative Council | <u>01/12/16</u> |
| Adopted by State Agency         | <u>02/26/16</u> |

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(501) 682-7890 moulton@adeq.state.ar.us  
Phone Number E-mail Address

Administrative Law Judge  
Title

03/04/16  
Date

**FILED**

**MAR 04 2016**

**Arkansas  
Secretary of State**



ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL

SUITE 205

LITTLE ROCK, ARKANSAS 72201

PHONE: (501) 682-7890

FAX: (501) 682-7891



March 4, 2016

Ms. Donna Davis  
Administrative Rules and Regulations Committee  
Room 433, State Capitol Building  
Little Rock, Arkansas 72201

RE: Regulation No 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 14-010-R; Minute Order No. 16-04 - FINAL FILING.

Dear Ms. Davis:

I am enclosing the following for filing with your office:

1. One (1) hard copy of the amendment to Regulation No 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control.
2. One (1) copy of Commission Minute Order No. 16-04
3. One (1) copy of the Financial Impact Statement.

Please provide written confirmation of your receipt of these materials by file-marking the enclosed copy of this letter and returning it to me.

Thank you for your assistance in this matter.

**RECEIVED**

MAR 04 2016

BUREAU OF  
LEGISLATIVE RESEARCH

Respectfully,

A handwritten signature in cursive script that reads "Charles Moulton".

Charles Moulton  
Administrative Law Judge

Enclosures

# ARKANSAS STATE LIBRARY



## Agency Certification Form For Depositing Final Rules and Regulations At the Arkansas State Library

Documents Services • Arkansas State Library  
One Capitol Mall • Little Rock, AR 72201-1094  
501-682-2326 Phone; 501-682-1532 FAX

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STATE LIBRARY

|  |                                    |                            |
|--|------------------------------------|----------------------------|
| For Office Use Only  |                                    |                            |
| Effective Date:  |                                    | Classification Number:     |
| Name of Agency: Arkansas Department of Environmental Quality   |                                    |                            |
| Contact Person: Stuart Spencer   |                                    | Telephone: (501) 682-0750  |
| Statutory Authority for Promulgating Rules: Ark. Code Ann. §8-1-203(b) and (1)   |                                    |                            |
| Title of Rule: Regulation No 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control; Docket No. 14-010-R; Minute Order 16-04 |                                    |                            |
| <b>Rule Status</b>   | <b>Effective Date Status</b>       | <b>Effective Date</b>      |
| <input type="checkbox"/> New Rule/Regulation   | <input type="checkbox"/> Emergency |                            |
| <input type="checkbox"/> Amended Rule/Regulation   | 10 Days after filing               | March 14, 2016             |
| <input type="checkbox"/> Repealed Rule/Regulation  | <input type="checkbox"/> Other     |                            |
| <input type="checkbox"/> Order   | <input type="checkbox"/> Repealed  |                            |
| <input type="checkbox"/> Emergency Rule/Regulation   | Adopted by State Agency            |                            |
| <input type="checkbox"/> Rule above is proposed and will be replaced by final version  |                                    |                            |
| <input checked="" type="checkbox"/> Financial and/or Fiscal Impact Statement Attached  |                                    |                            |
| <h3>Certification of Authorized Officer</h3>   |                                    |                            |
| I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.   |                                    |                            |
| Signature: <u>Charles M. Smith</u>   |                                    | Date: <u>March 4, 2016</u> |
| Title: <u>Administrative Law Judge</u>   |                                    |                            |

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL

SUITE 205

LITTLE ROCK, ARKANSAS 72201

PHONE: (501) 682-7890

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Please provide written confirmation of your receipt of these materials by file-marking the enclosed copy of this letter and returning it to me.

Thank you for your assistance in this matter.

**RECEIVED**

MAR 04 2016

BUREAU OF  
LEGISLATIVE RESEARCH

Respectfully,

A handwritten signature in black ink that reads "Charles Moulton".

Charles Moulton  
Administrative Law Judge

Enclosures



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2016 MAR 3 22

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| <input type="checkbox"/> Amended Rule/Regulation   | 10 Days after filing               | March 12, 2016             |
| <input type="checkbox"/> Repealed Rule/Regulation  | <input type="checkbox"/> Other     |                            |
| <input type="checkbox"/> Order   | <input type="checkbox"/> Repealed  |                            |
| <input type="checkbox"/> Emergency Rule/Regulation   | Adopted by State Agency            |                            |
| <input type="checkbox"/> Rule above is proposed and will be replaced by final version<br><input checked="" type="checkbox"/> Financial and/or Fiscal Impact Statement Attached |                                    |                            |
| <h3>Certification of Authorized Officer</h3>   |                                    |                            |
| I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.   |                                    |                            |
| Signature: <u><i>Chuck Muntz</i></u>   |                                    | Date: <u>March 4, 2016</u> |
| Title: <u>Administrative Law Judge</u>   |                                    |                            |