

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 Tank Division
DIVISION DIRECTOR Joseph M. Hoover, Chief
CONTACT PERSON Dawn Guthrie
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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
Subcommittee on Administrative Rules and Regulations
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 **X**

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 Yes_____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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."

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)

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.

8. Will a public hearing be held on this proposed rule? Yes X No_____

If yes, please complete the following:

Date: June 28, 2007

Time: 2:00 p.m.

Place: ADEQ Building D Training Room, 8001 National Drive, Little Rock

9. 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 July 13, 2007

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

On or about September 1, 2007

11. Do you expect this rule to be controversial? Yes_____ No X If yes, please explain.

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