

**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  
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**NAME OF PRESENTER AT COMMITTEE MEETING** J. Ryan Benefield, P.E., Interim Director  
**PRESENTER E-MAIL** benefield@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

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1. What is the short title of this rule? Regulation No. 18
2. What is the subject of the proposed rule? Arkansas Air Pollution Control Code
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.

Revisions to this state regulation propose to adopt currently effective federal rules, as listed: PM2.5 NAAQS revision--January 15, 2013 (78 Fed. Reg. 3086); exemptions to the special applicability list--72 July 16, 2007 (Fed. Reg. 38864); January 10, 2008 (73 Fed. Reg. 1916); table of the current federal NAAQS and Federal Register citations listed (September 14, 1973 (38 Fed. Reg. 25678); October 8, 1996 (61 Fed. Reg. 52852); October 17, 2006, (71 Fed. Reg. 61144); March 27, 2008 (73 Fed. Reg. 16436); November 12, 2008 (73 Fed. Reg. 66964); February 9, 2010 (75 Fed. Reg. 6474); June 22, 2010 (75 Fed. Reg. 35520); August 31, 2011 (76 Fed. Reg. 54294), August 31, 2011; 78 Fed. Reg. 3085, January 15, 2013); providing references to federal law within existing Regulation No. 18 test methods, reference methods, and data requirements-- October 17, 2006 (71 Fed. Reg. 61226); August 7, 1987 (52 Fed. Reg. 29467); April 2, 2014 (79 Fed. Reg. 18452); February 27, 2014 (79 Fed. Reg. 11257); October 17, 2000 (65 Fed. Reg. 62161); December 29, 1992 (57 Fed. Reg. 62002); February 27, 2014 (79 Fed. Reg. 11271); February 27, 2014 (79 Fed. Reg. 11274); and November 7, 1986 (51 Fed. Reg. 40675).

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?

This proposed rule revises the State air code (non-federally enforceable regulations) to be consistent with federal rule changes made after EPA's periodic reevaluation and revisions of the National Ambient Air Quality Standards and other federal air pollution control regulations. The proposed revisions will streamline permitting for changes at facilities with no net increases in emissions. These changes will also clarify Regulation No. 18 and eliminate typographical and formatting errors. All other changes were made as updates, clarifications, and error corrections, and are non-substantive.

This proposed rule is necessary to ensure that the Arkansas regulation is not in conflict with federal rules that have been federally adopted. By revising Regulation No. 18 to be in line with federal rules, the goal is for sources to find it less difficult to understand permitting requirements. Additionally, ADEQ will be able to issue state-enforceable permits addressing fine particulate matter which will help protect Arkansas from falling into nonattainment (NA) status for the pollutant. NA designation is currently a real concern for the state because of monitored and modeled pollutant values, and because the status brings with it long-lasting economic sanctions and environmental obstacles, it is in the best interest of the State and the public to prevent NA designation. Because the primary NAAQS are health-based standards and secondary NAAQS standards are set to protect public welfare, this rule change will also allow ADEQ to protect Arkansans' health and the environment from detrimental effects caused by NAAQS pollutants.

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](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:

January 12,

Date: 2015

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.)

January 27, 2015

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

May 2015

12. Do you expect this rule to be controversial?

Yes ☐

No ☒

Stakeholders were consulted prior to initiation of the proposed changes, and ADEQ collaborated with industry groups to craft language acceptable to all interested parties. Additionally, during the public comment period, ADEQ will take comments on when an analysis would be required to evaluate impacts on the National Ambient Air Quality Standards during the permitting process. Additionally, ADEQ will take comment on

If yes, please explain.

requirements for such an analysis, when required.

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.

Organizations which typically comment on proposed revision to Arkansas's air pollution control regulations include:

Arkansas Environmental Federation

Arkansas Forest and Paper Council

Arkansas Independent Producers and Royalty Owners

Audubon Arkansas

The Energy and Environmental Alliance of Arkansas

The Sierra Club

The United States Environmental Protection Agency

In general, it is thought that the facilities subject to air permitting requirements will not object to this rulemaking, as several of the representative entities listed above were involved in the drafting process for this rulemaking. However, the overall consensus towards this proposed rule is unknown at this time.