

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 Porta, Interim Chief Air Division

CONTACT PERSON: Mike Porta

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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 19*
- 2. What is the subject of the proposed rule? *The amendment to Regulation 19 repeals Chapter 12, the provisions of which are incorporated into the new Arkansas Pollution Control and Ecology Regulation 31.*
- 3. Is this rule required to comply with federal statute or regulations? Yes___No X
If yes, please provide the federal regulation and/or statute citation.
- 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? 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 Not applicable

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 Yes X No _____ If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

The amendment repeals Chapter 12 of Regulation Number 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control. The provisions of Chapter 12 as well as federal requirements contained in 40 CFR Part 51.160 – 165 are incorporated into the new Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation Number 31, Nonattainment New Source Review Requirements.

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. Sections 8-4-202 and 8-4-311.

7. What is the purpose of this proposed rule? Why is it necessary?
Regulation Number 19 covers the Arkansas Plan of Implementation for Air Pollution Control. The amendments to Regulation Number 19 repeal Chapter 12 of the regulation. The provisions of Chapter 12, as well as federal requirements contained in 40 CFR Part 51.160 – 165, are incorporated into the new APC&EC Regulation Number 31, Nonattainment New Source Review Requirements.

8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:

Date: March 9, 2006

Time: The exact time will be determined by ADEQ's Public Outreach and Assistance Division.

Place: Arkansas Department of Environmental Quality, 8001 National Drive, Building D Training Room, Little Rock, Arkansas.

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
March 23, 2006

10. What is the proposed effective date of this proposed rule? (Must provide a date.)
The regulation is scheduled to go before the APC&EC at its May meeting which is scheduled for May 25, 2006. The APC&EC's Administrative Hearing Officer files the regulation with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research. Pursuant to A.C.A. Section 25-15-204(e)(1) the regulation will be effective ten days after it is filed.

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.
No comments are expected.