

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 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 Karen Bassett or Mike Bates
PRESENTER E-MAIL bassett@adeq.state.ar.us or bates@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. 19
- 2. What is the subject of the proposed rule?
Arkansas Pollution Control and Ecology Commission Regulation No.19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes X No _____
If yes, please provide the federal rule, regulation, and/or statute citation.
“Deferral for CO₂ Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (“PSD”) and Title V Programs, Final Rule,” 76 Federal Register 43490-43508 (July 20, 2011).
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes X No _____
If yes, what is the effective date of the emergency rule? June 22, 2012
When does the emergency rule expire? December 19, 2012

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X It will be promulgated under Ark. Code Ann. § 8-4-202 and Arkansas Pollution Control and Ecology Commission Regulation Number 8 (Reg. 8.807).

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."

See the attached Petition to Initiate Rulemaking for a summary and Exhibit A for a mark-up copy of the changes.

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, and 8-4-311.

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

The changes to Regulation No. 19 are being proposed in response to the United States Environmental Protection Agency's ("EPA") July 20, 2011, "Deferral for CO₂ Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration and Title V Programs, Final Rule." This Final Rule defers, until July 21, 2014, the application of PSD requirements to biogenic carbon dioxide ("CO₂") emissions from bioenergy and other biogenic stationary sources. Language is being proposed in Chapter 2 to the definition of "CO₂ equivalent emissions" ("CO_{2e}") and in Chapter 19, under 19.904(G)(2)(c), to include the deferral for CO₂ emissions from bioenergy and other biogenic sources under the PSD Program.

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 X
If yes, please complete the following:

Date: _____

Time: _____

Place: _____

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

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
June 22, 2012

12. Do you expect this rule to be controversial? Yes _____ No X 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.

We expect that The Arkansas Environmental Federation may have comments and their comments are expected to be positive. The EPA may also provide comments.