

**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. 19
- 2. What is the subject of the proposed rule? Arkansas Plan of Implementation for Air Pollution Control
- 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: updated Global Warming Potentials--November 29, 2013 (78 FR 71948); reasonable possibility standard update (to current federal language at 40 C.F.R. § 52.21(r)(6), published December 21, 2007 [72 FR 72607]); PM2.5 NAAQS revision--January 15, 2013 (78 FR 3086); Volatile Organic Compounds definition--June 22, 2012 (77 FR 37610); February 12, 2013 (78 FR 9823); August 28, 2013 (78 FR 53029); October 22, 2013 (78 FR 62451); and March 27, 2014 (79 FR 17037); updated Global Warming Potentials--November 29, 2013 (78 FR 71948); providing references to federal law within existing Regulation No. 19 definitions, test methods, reference methods, and data requirements--October 17, 2006 (71 FR 61226); August 7, 1987 (52 FR 29467); April 2, 2014 (79 FR 18452); February 27, 2014 (79 FR 11257); November 9, 2005 (10 FR 68228); October 17, 2000 (65 FR 62161); December 29, 1992 (57 FR 62002); February 27, 2014 (79 FR 11271); February 27, 2014 (79 FR 11274); November 7, 1986 (51 FR 40675); February 27, 2014 (79 FR 11241); and October 25, 2012 (77 FR

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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

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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

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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.

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

Adoption of this proposed rulemaking will satisfy requirements under Section 110 of the Clean Air Act, which requires that each state provide for implementation, maintenance, and enforcement of National Ambient Air Quality Standards ("NAAQS") within the State. Section 161 of the Clean Air Act also requires that state implementation plans contain provisions to prevent significant deterioration of air quality in areas of the state designated as "attainment" or "unclassifiable" for each NAAQS. This proposed rule implements federal rule changes made after the United States Environmental Protection Agency's ("EPA") periodic reevaluation of the NAAQS. In addition, this proposed rule updates Regulation No. 19, to be more closely aligned with multiple federal rules. The proposed changes will also clarify Regulation No. 19 and eliminate typographical errors. All other changes were made as updates, clarifications, and error corrections, and are non-substantive.

This proposed rule is necessary to bring Arkansas into compliance with federal rule changes made as the NAAQS have been revised by the EPA. Also, by altering Regulation No. 19 to be in line with federal rules, the goal is for sources to find it less difficult to understand permitting requirements. Because the primary NAAQS are health-based standards and secondary NAAQS standards are set to protect public welfare, this rule change will allow ADEQ to protect Arkansans' health and the environment from detrimental effects caused by NAAQS pollutants.

Additionally, proposed language at Reg. 19.305 is intended to address the requirements found at Ark.Code. Ann. §§ 8-4-317 and 8-4-318.

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)

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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.) 4:30 p.m., 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 requirements for such an analysis, when required.

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.

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