

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
OFFICE Office of Air Quality
DIVISION DIRECTOR Stuart Spencer, Associate Director
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NAME OF PRESENTER AT COMMITTEE MEETING Stuart Spencer
PRESENTER E-MAIL spencer@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
One Capitol Mall, 5th Floor
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? 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 ☒ No ☐
If yes, please provide the federal rule, regulation, and/or statute citation. 80 FR 65292
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
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 ☒

The APC&EC rulemaking process is exempt from the definition of “agency” under the Arkansas Administrative Procedure Act (AAPA). (See Ark. Code Ann. § 25-15-202(2)(C)). However, ADEQ intends to petition the Arkansas Pollution Control and Ecology Commission to initiate and adopt the changes included in this rulemaking in a permanent rulemaking.

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation.

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

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 the 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?

The purpose of this rule is to adopt the 2015 ozone national ambient air quality standard (NAAQS) promulgated by the United States Environmental Protection Agency (EPA) on October 26, 2015 (80 FR 65292). Adoption of the 2015 ozone NAAQS by the Arkansas Pollution Control and Ecology Commission (APC&EC) is required under Ark. Code Ann. 8-4-318(b)(1) for submission by the Arkansas Department of Environmental Quality (ADEQ) of (a) state implementation plan(s) demonstrating compliance with Clean Air Act §110 requirements for the standard to the EPA.

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). 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:

Date: November 5, 2018

Time: 2:00 p.m.

ADEQ Commission Room

5301 Northshore Drive

Place: North Little Rock, AR 72118

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

November 19, 2018

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

January 25, 2019

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.

The Arkansas Pollution Control and Ecology Commission is exempt from the definition of “agency” under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). However, laws concerning the promulgation of regulations by the APC&EC do require public notice. Proof of publication of said notice will be submitted along with a revision to this questionnaire following initiation of rulemaking with Arkansas Pollution Control and Ecology Commission.

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e).

The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of “agency” under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). Filing with the Secretary of State does not occur until after legislative review and APC&EC consideration and adoption of the rulemaking.

14. 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.

The specific persons, groups, or organizations expected to comment and the exact nature of those comments are unknown at this time.