

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Department of Energy and Environment
DIVISION Division of Environmental Quality
DIVISION DIRECTOR Becky W. Keogh, Secretary and Director
CONTACT PERSON Michael Grappe
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72113
PHONE NO. (501) 682-0647 FAX NO. _____ E-MAIL grappem@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Michael Grappe
PRESENTER E-MAIL grappem@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 the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
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? REGULATIONS OF THE ARKANSAS PLAN OF IMPLEMENTATION FOR AIR POLLUTION CONTROL

2. What is the subject of the proposed rule? The purpose of this rulemaking is to bring the rule in line with Act 315 of 2019 (changing "Regulation" to "Rule") and the Transformation and Efficiencies Act of 2019 (changing "Department" to "Division")

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.

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? N/A
When does the emergency rule expire? N/A

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 rule.

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 Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

The purpose of amending this rule is to include changes in certain titles—"Regulation" to "Rule" and "Department" to "Division"—in order to bring Arkansas Pollution Control and Ecology Commission Regulation No. 19 in line with Act 315 of 2019 and the Transformation and Efficiencies Act of 2019. There are no substantive changes included in this proposed amendment.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

A.C.A. § 8-1-203: Powers and responsibilities of the Arkansas Pollution Control and Ecology Commission

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

The purpose of amending this rule is to include changes in certain titles—"Regulation" to "Rule" and "Department" to "Division"—in order to bring Arkansas Pollution Control and Ecology Commission Regulation No. 19 in line with Act 315 of 2019 and the Transformation and Efficiencies Act of 2019. There are no substantive changes included in this proposed amendment.

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/>

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

Date: March 6, 2020

Time: 2:00 p.m.

Place: 5301 Northshore Drive, North Little Rock, AR 72118

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

March 20, 2020

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

June 26, 2020

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 (APC&EC) 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 APC&EC.

13. Please provide proof of filing the rule with the Secretary of State 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 final APC&EC adoption.

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.

No persons, groups, or organizations are expected to comment on this rulemaking.