

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 Keogh, Secretary of Energy and Environment and Director of Environmental Quality
CONTACT PERSON William Montgomery
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NAME OF PRESENTER AT COMMITTEE MEETING William Montgomery
PRESENTER E-MAIL Montgomery@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
- D. Rule" below.
- E. 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? APC & EC Rule 19

2. What is the subject of the proposed rule? Rules 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.

79 FR 73750; 83 FR 61127; 82 FR 5182; 79 FR 71663; 77 FR 14604; 81 FR 59313; 81 FR 59332; 84 FR 44547; 85 FR 14474; 80 FR 50199

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? _____

When does the emergency rule expire? _____

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 Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

See attached mark-up of the rule, and the Executive Summary, which are incorporated herein by specific reference.

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

Ark. Code Ann. § 8-1-203; Ark. Code Ann. § 8-4-304; Ark. Code Ann. § 8-4-201; Ark. Code Ann. § 8-4-202; Ark. Code Ann. § 8-4-311

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

The proposed amendments to Rule 19 are necessary to update certain outdated references to federal law, remove obsolete provisions, and adopt standards of performance for municipal solid waste landfills as required by federal law. Updates to outdated references to federal law include revisions to the definition of carbon dioxide equivalent; the definition of volatile organic compound; and updates to the United States Environmental Protection Agency (EPA) guideline on air quality modeling, opacity testing, pollutants regulated under Clean Air Act § 111, ambient air quality monitoring methodology, data reduction, and total reduced sulfur continuous monitoring. The proposed amendments include revisions to Rule 19.405(B) (1); Rule 19.407(C)(3), Rule 19.904(G)(5), and Appendix A Group A Items 1 and 13 to remove currently stayed provisions intended to address now vacated federal greenhouse gas regulatory requirements. The proposed amendments would also remove obsolete provisions pertaining to the vacated Clean Air Interstate Rule trading program, disapproved and nonregulatory provisions for implementing the Regional Haze program, and Pulaski County-specific volatile organic compounds rules from the 1980s that are redundant with more recent EPA regulations and have been demonstrated to be unnecessary to ensure compliance with ozone national ambient air quality standards. The proposed amendments also include provisions for implementing standards of performance for municipal solid waste landfills required under Clean Air Act §111(d). Additional non-substantive revisions are proposed throughout Rule 19 for consistency and clarity.

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).

https://www.adeq.state.ar.us/regs/draft_regs.aspx

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

Date: September 16, 2021

Time: 2:00 p.m.

Place: 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.)

September 30, 2021

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

February 21, 2022

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. Exempt: Ark. Code Ann. § 25-15-202(2)(C)

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). Exempt: Ark. Code Ann. § 25-15-202(2)(C)

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.

Unknown at this time.