

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, Asbestos and Lead-Based Paint Branch

DIVISION DIRECTOR: Mike Bonds

CONTACT PERSON: Becky Keogh

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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
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule? Lead-Based Paint Activities
2. What is the subject of the proposed rule? This rule affects lead-based paint in child-occupied structures, as defined in the rule, and housing built before 1978 with some exceptions.
3. Is this rule required to comply with federal statute or regulations? Yes X No

If yes, please provide the federal regulation and/or statute citation.

Title 40 of the Code of Federal Regulations, Part 745, Subpart L, Lead-Based Paint Activities.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes No X

If yes, what is the effective date of the emergency rule? Not Applicable

When does the emergency rule expire? It remains in effect until revised.

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No X

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation. The Lead-Based Paint-Hazard Act of the Water and Air Pollution Control Act, (Arkansas Code of 1997, Annotated, Section 8-4-401 and following sections.)
7. What is the purpose of this proposed rule? Why is it necessary? To conform to federal regulations and Arkansas statutes, remove outdated sections, clarify requirements, improve grammar and punctuation, remove abbreviations and insert limited housekeeping changes.
8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:

Date: December 6, 2005

Time: 2 p.m.

Place: Arkansas Pollution Control & Ecology Commission Meeting Room, in the Arkansas State Police Headquarters, near Interstate 30 and Geyer Springs Road, Little Rock.

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) _
December 20, 2005

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

10 days after filing with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research.

11. Do you expect this rule to be controversial? Yes _____ No X If yes, please explain.

12. 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. Arkansas Environmental Federation, and asbestos training providers, consultants and contractors in Arkansas.