

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
DIVISION DIRECTOR Mike Bates, Chief
CONTACT PERSON Deborah Pitts, Attorney
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PHONE NO. (501) 682-0883 **FAX NO.** (501) 682-0891 **E-MAIL** pitts@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Karen Bassett or Mike Bates
PRESENTER E-MAIL bassett@adeq.state.ar.us or bates@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

- 1. What is the short title of this rule?
Regulation 26
- 2. What is the subject of the proposed rule?
Arkansas Pollution Control and Ecology Commission Regulation 26, Regulations of the Arkansas Operating Air Permit Program
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes___No X
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 X

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

See the attached Petition to Initiate Rulemaking for a summary and Exhibit A for a mark-up copy of the changes.

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

A.C.A §8-4-201; 8-4-202, and 8-4-311.

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

These changes will allow more flexibility for the regulated community so they can better respond to market changes. Additionally, regulatory burden will be reduced on affected businesses. The changes will allow the Department to focus our resources on sources which have a greater potential to impact the environment. The changes are consistent with and allowable under federal programs. The proposed changes are protective of air quality in the state and will not affect attainment goals. The changes also clarify existing regulatory language, correct and update formatting and remove duplicative language from other Arkansas Pollution Control and Ecology Commission regulations.

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

9. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: August 4, 2008

Time: Beginning at 2:00 PM

Place: ADEQ Commission Room, 5301 Northshore Drive, North Little Rock, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.) 10 business days after the date of the public hearing: on or about August 18, 2008.

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

On or about January 1, 2009.

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

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.

The Arkansas Environmental Federation has expressed interest and provided input in the development of this regulation. Their comments are expected to be positive. Environmental groups may also comment and their positions on these changes were not known at the time this document was prepared.