

**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  
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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**

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- 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 Number 26, Regulations of the Arkansas Operating Air Permit Program*
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  X  No \_\_\_\_\_  
If yes, please provide the federal rule, regulation, and/or statute citation.  
*“Deferral for CO<sub>2</sub> Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration (“PSD”) and Title V Programs, Final Rule,” 76 Federal Register 43490-43508 (July 20, 2011).*
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes  X  No \_\_\_\_\_  
If yes, what is the effective date of the emergency rule? June 22, 2012  
When does the emergency rule expire? December 19, 2012

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No X It will be promulgated under Ark. Code Ann. §8-4-202 and Arkansas Pollution Control and Ecology Commission Regulation Number 8 (Reg. 8.807).

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.

*Ark. Code Ann. §§8-4-201; 8-4-202, and 8-4-311.*

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

*The changes to Regulation Number 26 are being proposed in response to the United States Environmental Protection Agency's ("EPA") July 20, 2011, "Deferral for CO<sub>2</sub> Emissions From Bioenergy and Other Biogenic Sources Under the Prevention of Significant Deterioration and Title V Programs, Final Rule." This Final Rule defers, until July 21, 2014, the application of the Title V permitting requirements to biogenic carbon dioxide ("CO<sub>2</sub>") emissions from bioenergy and other biogenic stationary sources. Language is being proposed in Chapter 2 to the definition of "CO<sub>2</sub> equivalent emissions" ("CO<sub>2</sub>e"), to include the deferral for CO<sub>2</sub> emissions from bioenergy and other biogenic sources under the Title V Program.*

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](http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm)

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

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: \_\_\_\_\_

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

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
June 22, 2012

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.

*We expect that The Arkansas Environmental Federation may have comments and their comments are expected to be positive. The EPA may also provide comments.*