

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 Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

*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 substantive 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>2e</sub>"), 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 X No \_\_\_\_\_

If yes, please complete the following:

Date: August 1, 2012

Time: 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.)  
August 15, 2012

11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
On or about November 2, 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.*