

**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 Porta, Interim Chief Air Division

**CONTACT PERSON:** Mike Porta

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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

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- 1. What is the short title of this rule? *Regulation 31*
- 2. What is the subject of the proposed rule? *This new Arkansas Pollution Control and Ecology Commission (APC&EC) regulation entitled "Nonattainment New Source Review Requirements" implements the provisions of 40 CFR Part 51.160-165, incorporates the provisions of Chapter 12 of Regulation Number 19 (Chapter 12 of Regulation Number 19 will be repealed), and establishes an economic development zone in Crittenden County.*

- 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. 40 CFR Part 51.160-165

- 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? Not applicable

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No Not applicable

5. Is this a new rule? Yes X No \_\_\_\_\_ If yes, please provide a brief summary explaining the regulation. This new APC&EC regulation implements the provisions of 40 CFR Part 51.160-165, incorporates the provisions of Chapter 12 of Regulation Number 19 (Chapter 12 of Regulation Number 19 will be repealed), and establishes an economic development zone in Crittenden County.

Does this repeal an existing rule? Yes X 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.

*Chapter 12 of Regulation Number 19 will be repealed. The provisions of Chapter 12 of Regulation Number 19, the federal requirements contained in 40 CFR Part 51.160 – 165, and the establishment of an economic development zone in Crittenden County are incorporated into the new APC&EC Regulation Number 31.*

Is this an amendment to an existing rule? Yes \_\_\_\_\_ No X 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.  
*A.C.A. Sections 8-4-202 and 8-4-311.*

7. What is the purpose of this proposed rule? Why is it necessary?  
*This new APC&EC regulation implements the provisions of 40 CFR Part 51.160-165, incorporates the provisions of Chapter 12 of Regulation Number 19 (Chapter 12 of Regulation Number 19 will be repealed), and establishes an economic development zone in Crittenden County.*

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

Date: March 9, 2006

Time: The exact time will be determined by ADEQ's Public Outreach and Assistance Division.

Place: Arkansas Department of Environmental Quality, 8001 National Drive, Building D Training Room, Little Rock, Arkansas.

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
March 23, 2006

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
*The regulation is scheduled to go before the APC&EC for final approval at its May meeting which is scheduled for May 25, 2006. The APC&EC's Administrative Hearing Officer files the approved regulation with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research. Pursuant to A.C.A. Section 25-15-204(e)(1) the regulation will be effective ten days after it is filed.*

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.  
*No comments are expected.*