

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
CONTACT PERSON Mike Bates
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PHONE NO. (501) 682-0750 FAX NO. (501) 682-0753 E-MAIL bates@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 Number 33
2. What is the subject of the proposed rule?
Arkansas Pollution Control and Ecology Commission Regulation 33, Motor Vehicle Racing Facility Regulation
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.
Arkansas Code § 8-10-304 (Act 1287 of 2009)
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 _____

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 §§8-10-302; 8-10-303(3)(E), and 8-10-304(b)(6).
7. What is the purpose of this proposed rule? Why is it necessary?
To implement changes enacted by Act 1287 of the 87th General Assembly governing exemptions for certain motor vehicle racing facilities construction and operation. This will align Regulation Number 33 with the Act.
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: Friday, October 8, 2009
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.)
Thursday, October 22, 2009
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
On or about February 15, 2010
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 some motor vehicle racing facilities may have comments. Their position is unknown.*