

Exhibit C:

Legislative Questionnaire

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL

Arkansas Department of Environmental Quality (ADEQ) by and through the Arkansas Pollution Control and Ecology Commission

DEPARTMENT/AGENCY (APC&EC)

DIVISION Office of Land Resources (OLR)

DIVISION DIRECTOR Kevin White, Associate Director

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NAME OF PRESENTER AT COMMITTEE MEETING Kevin White

PRESENTER EMAIL white@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
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Regulation No. 36: Used Tire Recycling and Accountability Program

2. What is the subject of the proposed rule? The proposed amendments simplify the name of the program to the Tire Accountability Program (TAP); provide comprehensive program administration information in compliance with Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 *et seq.*, to include provisions for permitting, licensing, enforcement, and beneficial uses; remove preliminary implementation dates and deadlines that reference 2017; add references to new or renamed forms; and make minor revisions to include correcting typographical, grammatical, formatting, and stylistic errors throughout the emergency

regulation.

3. Is this rule required to comply with a federal statute, rule, or regulation?

Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

N/A

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act (APA)?

Yes No

This is emergency rulemaking but the APA is not applicable because the APC&EC is exempt from the definition of "agency" under Ark. Code Ann. § 25-15-202(2)(C). This emergency rulemaking is authorized under Ark. Code Ann. § 8-4-202(e) and APC&EC Reg. 8.807. Specific rulemaking authority for this program is under Ark. Code Ann. § 8-9-414.

If yes, what is the effective date of the emergency rule? March 8, 2018

When does the emergency rule expire? The earlier of September 5, 2018, or the effective date of the permanent rulemaking.

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes No

The APC&EC rulemaking process is exempt from the definition of "agency" under the Arkansas Administrative Procedure Act (AAPA). (See Ark. Code Ann. § 25-15-202(2)(C)). However, this emergency rulemaking is the same permanent rulemaking initiated by the APC&EC on January 26, 2018.

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes 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. _____

Is this an amendment to an existing rule? Yes 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."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 et seq., specifically § 8-9-414.

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

The purpose of this regulation is to provide for the administration of the new Used Tire Recycling and Accountability Program. It is necessary because the General Assembly made substantial changes to the waste tire law and program that existed before January 1, 2018, and transferred the former waste tire program to the new program effective January 1, 2018.

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). The permanent rulemaking documents that includes the same draft markup of the regulation are filed under APC&E Commission Docket #18-002-R: www.adeq.state.ar.us/regs/draft_regs.aspx This emergency rulemaking will be filed on or before February 16, 2018, with the APC&EC for consideration by the APC&EC at its March 2, 2018 meeting.

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

If yes, please complete the following:

No, because this is an emergency rulemaking. However, a public hearing is scheduled and noticed for the permanent rulemaking filed under APC&E Commission Docket #18-002-R with the required filings made with the Administrative Rules and Regulations Subcommittee of Legislative Council.

Date: _____

Time: _____

Place: _____

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

Not applicable because emergency rulemaking.

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

March 8, 2018

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of “agency” under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). Public notice is not required before adoption of an emergency regulation. See Response to Question 9 above.

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of “agency” under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). Filing with the Secretary of State does not occur until after legislative review and APC&EC consideration and adoption of the emergency rulemaking planned for March 2, 2018.

14. 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. None anticipated.