DEQ Rulemaking Process

Step One — DEQ — Originating Events

Federal law change

Federal rule change

State law change

Other

Step Two — DEQ — Office Analysis for Rule Amendments

Determine need

Obtain Director's approval to begin process

Add rulemaking to Proposed Rule Amendment Planning Chart (Legal)

Begin research and draft initial language

Implement stakeholders process, if necessary

Three to six months

Step Three — DEQ — Legal Review and Input

Submit proposed rule draft using true markup to Legal

Verify changes are consistent with law or rule changes

Determine dates of publication, public comment period, and public hearing (CM, KR, RH)

Prepare or review Petition Packet

Determine who will sign Petition Packet documents

Determine who will answer technical questions before APC&EC and legislative committees

Verify the rule complies with all style guides (DEQ and APC&EC)

Five weeks

Petition Packet [Rule 8.801 et seq.]

- Executive Summary
- Petition to Initiate Rulemaking
- Markup version of rule
- Governor's Approval
- BLR Legislative Questionnaire
- BLR Financial Impact Statement
- APC&EC Economic Impact/Environmental Benefit Analysis, if required [Rule 8.812]
- Other documents that support the rulemaking, including a study or report
- Proposed Minute Order to Initate Rulemaking
- Proposed Notice of Public Hearing and Public Comment Period

Estimated time

Step Four — DEQ — Director's Approval

Provide director's brief and Petition Packet Notebook to BWK and JL

Supporting legislation or rules included

Schedule meeting with BWK, JC, and MR

Meet with BWK, JC, and MR

Sign routing

Director approves or requests changes

Director authorizes request for approval from Governor's Office

Step Five — Governor — Governor's Office Approval

Required by EO 15-02

Email or courier Request for Governor's Office Approval with attachments to liaison

Receive email approval from liaison

Approval is a required exhibit for Petition Packet, but may be added as late as one day before the APC&EC meeting

Minimum two weeks

Governor's Office Approval Packet

- Request for Governor's Approval of Proposed Rules and Rules
- BLR Legislative Questionnaire
- BLR Financial Impact Statement
- Proposed rule without markup (clean version)
- Markup version of rule
- APC&EC Economic Impact/Environmental Benefit Analysis, if required
- Other documents that support the rulemaking, including the law or rule that necessitated the change

Step Six — APC&EC — Petition to Initiate Rulemaking

File with APC&EC

*Filing deadline is **two weeks** before the Commission meeting*

After Initiation

Publish Notice of Public Hearing and Public Comment for ***two consecutive days***

Hold public hearing

Minimum thirty days after notice publication

Receive public comments, including BLR

Public comment period ends

Ten business days after hearing

DEQ files Response to Public Comments

Must be filed before agenda request to Administrative Rules and Rules Subcommittee of Arkansas Legislative Council

Minimum eleven weeks

Step Seven — APC&EC — Adoption of Final Rule

DEQ files Motion to Adopt Amendments

*Filing deadline is **two weeks** before the Commission meeting*

APC&EC adopts rulemaking

Adoption Packet

- Motion to adopt amendments
- Statement of Basis and Purpose
- Legislative Agendas
- Final Rule (no markup)
- Rule tracking sheet
- Proposed Minute Order adopting amendments

Step Eight — Legislature — Approval by Committees

Ark. Code Ann. §10-3-309
Ark. Const., Art. 5, §42

Public Health Committees Review

*Agenda request may be made no later than **one week** before the scheduled meeting of the committees*

Administrative Rules and Rules Subcommittee Review

*Agenda request may be made no later than the **fifteenth day of the month before the next month's meeting***

DEQ Legal

Email legislative review results to APC&EC

Legislative review results are a required exhibit for the Motion to Adopt Rulemaking

Step Nine — Secretary of State — Effective Date

APC&EC files final rule with the Secretary of State, State Library, and BLR

Becomes final ten days after filing

Step Ten — U.S. EPA — SIP or Other Approval

If necessary, DEQ seeks and obtains U.S. EPA approval

ENVIRONMENTAL QUALITY