

**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  
**ADDRESS** 5301 Northshore Drive, North Little Rock, AR 72118-5317  
**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**

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- 1. What is the short title of this rule?  
*Regulation Number 18*
- 2. What is the subject of the proposed rule?  
*Arkansas Pollution Control and Ecology Commission’s Regulation Number 18, Arkansas Air Pollution Control Code*
- 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.  
*Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule, (“Tailoring Rule”) Published in the Federal Register June 3, 2010.*
- 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  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 Yes \_\_\_\_\_ No  If yes, a copy of the repealed rule is to be included with your completed questionnaire.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."

*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 §8-4-201, §8-4-202, and §8-4-311.*

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

*The changes to Regulation Number 18 are being proposed in response to the United States Environmental Protection Agency's ("EPA") June 3, 2010, Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule ("Tailoring Rule"). The Tailoring Rule requires that greenhouse gases be subject to regulation under the Clean Air Act. Carbon dioxide is one of the gases listed in the Tailoring Rule as a greenhouse gas. The Arkansas Pollution Control and Ecology Commission's ("Commission") Regulation Number 18 currently excludes carbon dioxide from being an air contaminant. For state regulations to be consistent with EPA's Tailoring Rule, the exclusion of carbon dioxide from air contaminant needs to be removed. Because making this change will automatically cause carbon dioxide to become subject to permitting, changes are also being proposed to Chapter 3 of Regulation Number 18 to prevent greenhouse gases from triggering the need for a permit unless that permit would already be required under Regulation Number 19 or Regulation Number 26. Making these changes will maintain consistency between Federal air pollution control programs and the Commission's regulations governing air pollution in Arkansas, as well as maintain consistency across air pollution regulations.*

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  No \_\_\_\_\_

If yes, please complete the following:

Date: March 8, 2011

Time: 1:00 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.)

March 22, 2011

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

On or about July 15, 2011

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.

*ADEQ held a stakeholder briefing on December 15, 2010, to announce the proposed regulation revisions. Potential commentors and positions are unknown at this time.*