

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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."

The amendments adopt the newest regulations promulgated by EPA for the new source review (NSR) permitting program, adopt provisions for issuing permits in areas not attaining the national ambient air quality standards, and require Stage 1 vapor recovery systems in areas not attaining the national ambient air quality standards.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Water and Air Pollution Control Act, Ark. Code Ann. §8-4-101 et seq.

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

EPA has issued new rules for the implementation of the new source review (NSR) permitting program. Additionally, Crittenden County has been designated as not attaining the national ambient air quality standards for ozone. This is the first such designation for Arkansas. The additional provisions specify the basic federal requirements for issuing permits in such areas and a corrective action to bring ozone levels below federally mandated standards.

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

Date: October 28, 2004

Time: 2:00 p.m.

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.) November 12, 2004

10. What is the proposed effective date of this proposed rule? (Must provide a date.) December 3, 2004

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.

Local government officials (for); Arkansas Oil Marketers Association (unknown).