

**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 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:** Mike Bates or Karen Bassett  
**PRESENTER E-MAIL:** bates@adeq.state.ar.us or bassett@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 No. 9*
- 2. What is the subject of the proposed rule?  
*Air permit fee exclusions*
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_\_\_ No X  
If yes, please provide the federal rule, regulation, and/or statute citation.  
*Not applicable.*
- 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? Not applicable

When does the emergency rule expire? Not applicable

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_ No X

5. Is this a new rule? Yes \_\_\_ No X If yes, please provide a brief summary explaining the regulation. *Not applicable*

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 Yes \_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.  
*Not applicable*

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 §8-4-201, §8-4-202, §8-4-304, and §8-4-311.*

7. What is the purpose of this proposed rule?  
*This proposed rule will exclude carbon dioxide and methane from being included as chargeable emissions under air permit fees.*

Why is it necessary?

*This proposed rule is necessary to alleviate future fees for emissions that facilities will be required to pay due to proposed changes in Arkansas Pollution Control and Ecology Commission Regulation Numbers 18, 19, and 26 that have been proposed as a result of the United States Environmental Protection Agency's Greenhouse Gas Tailoring Rule and the materials and findings upon which the Greenhouse Gas Tailoring Rule are based. The proposed changes to Regulation Numbers 18, 19, and 26 will result in the permitting of greenhouse gases. The current fee structure for permits presents the possibility of large increases in permit fees for the permitting of greenhouse gases. These fees would be disproportionate in comparison to other permit fees currently in place and they would be far greater than the expenses that ADEQ anticipates would be necessary to permit greenhouse gases.*

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.adeg.state.ar.us/regs/drafts/draft\\_regs.htm](http://www.adeg.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: January 17, 2012

Time: 2:00 p.m.

Place: ADEQ Commission Room, 5301 Northshore Drive, North Little Rock, AR

10. When does the public comment period expire for permanent promulgation?  
January 31, 2012
11. What is the proposed effective date of this proposed rule?  
June 15, 2012
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.  
*In general, it is thought that the facilities that will be receiving permits for greenhouse gas emissions will be in favor of this rulemaking. However, the overall consensus towards this proposed rule is unknown at this time.*