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REGULATION NO. 21 AND DRAFT RULE 21 CROSSWALK

Table 1 Crosswalk from Regulation No. 21 to Draft Rule 21

Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
Reg. 21.101	Rule 21.101	<p>The information about where in the Arkansas Code to find the “Removal of Asbestos Material Act” and “Arkansas Water and Air Pollution Control Act” was moved to the definitions chapter to simplify and improve the readability of the “Title” section. See Chapter 2 of Draft Rule 21 for definitions of these terms.</p> <p>Deleted shortening of “Removal of Asbestos Material Act” to “the Act”</p> <p>Added “Arkansas” to the reference to the title of the rule. Previously the title section and the actual title of Regulation No. 21 did not match</p> <p>Corrected punctuation</p>
Reg. 21.201	Rule 21.102	<p>Moved to first chapter consistent with other APC&EC Rules</p> <p>Reorganized to improve readability</p> <p>Removed Arkansas Code citation for Removal of Asbestos Material Act, which is now a defined term. See Chapter 2 of Draft Rule 21 for definition</p> <p>Removed parenthetical establishing the acronym NESHAP</p>

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
Reg. 21.301, Reg. 21.801	Rule 21.103	<p>Moved to first chapter consistent with other APC&EC Rules</p> <p>Listed all persons and activities to whom Rule 21 applies. In current Regulation this is split into multiple chapters</p> <p>Used singular instead of plural consistent with BLR drafting manual</p> <p>Added statements to clarify that persons acting on behalf of the owner or operator to comply with the requirements of the Rule are subject (I.e. Asbestos Abatement Consultants and Asbestos Abatement Contractors)</p> <p>Change “training providers” to “any person that conducts training programs for asbestos professional disciplines that are regulated in Rule 21” based on changes to definition of “Training Provider” and so that persons who engage in that activity do not have to go to the definition chapter to find out if they are subject to Rule 21</p> <p>Reorganized to improve readability</p>
Chapter 4	Chapter 2	<p>Moved to second chapter consistent with other APC&EC Rules</p> <p><u>Definitions Added:</u></p> <p>“Abatement” – this term has a specific meaning for the purposes of Rule 21 and should be defined</p> <p>“Accreditation” – this term has a specific meaning for the purposes of Rule 21 and should be defined</p> <p>“Air contaminant” – This term was used in Regulation No. 21, but not defined. Used Regulation No.18 definition</p> <p>“Arkansas Awareness” – Defined the Arkansas-specific training course because it is mentioned in multiple chapters</p> <p>“Arkansas Water and Air Pollution Control Act” – pulled information from Reg. 21.101 into definitions chapter</p> <p>“Asbestos” - This term was used in Regulation No. 21, but not defined. Pulled from EPA definition of Asbestos in NESHAP Subpart M with “asbestiform” replaced with what “asbestiform” means</p>

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		<p>“Asbestos professional discipline” – Term used but not defined. in Regulation No. 21</p> <p>“Asbestos-related activity” – This term was used in plural form in Regulation No. 21, but not defined</p> <p>“Bulk Sample” – Used in Regulation No. 21, but not defined</p> <p>“Business day” – added to distinguish from “working day” and “calendar day,” Business day covers days on which DEQ is open.</p> <p>“Business hours” – added to reflect hours DEQ is open</p> <p>“Calendar year” – added to distinguish between a period of 365 days and the specific period of 365 days beginning on January 1</p> <p>“Clearance air monitoring” – definition taken from information in previous definition for air monitoring and Reg. 21.901(G) and incorporating the new term “Clearance standard”</p> <p>“Clearance standard” – term introduced to simplify language in the section of the Rule on clearance air monitoring</p> <p>“Department of Transportation” – Used in Regulation No. 21, but not defined. Provides clarity that we are referring to US DOT not ARDOT</p> <p>“Disjointing” – Term used, but not defined in Regulation No. 21</p> <p>“Initial Training” – Term used, but not defined in Regulation No. 21. This term has a specific context in this rule.</p> <p>“License period” – Term introduced in Draft Rule 21 language in Rule 21.306, 21.308 and 21.511</p> <p>“Mastic” – Term used, but not defined in Regulation No. 21. See Rule 21.609</p> <p>“National Institute for Occupational Safety and Health” – Previously undefined acronym</p> <p>“National Institute of Standards Technology” – Previously undefined acronym</p>

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		<p>“National Voluntary Laboratory Accreditation Program” previously undefined acronym</p> <p>“Operation” – Term used, but not defined in Regulation No. 21.</p> <p>“Particulate” – This term was used in Regulation No. 21 but undefined. We pulled in definition of particulate matter from Regulation No. 18; This is used in the context of the particulate asbestos-containing material which has replaced all instances of “particulate asbestos material” and in other contexts including wetting and filtering techniques,</p> <p>“Permanent employee” – Used in Regulation No. 21, but not defined. This term is important in terms of certain exemptions from requirements and should be defined</p> <p>“Polarized light microscopy” – Used in Regulation No. 21, but not defined. In some places the method used is specified and in others it is not. It is simpler just to specify it once in the definitions.</p> <p>“Project design” – previously undefined term used in Regulation No. 21</p> <p>“Refresher training” – Term used, but not defined in Regulation No. 21.</p> <p>“Removal of Asbestos Material Act” – took information from information and purpose and instead defined the term in one place.</p> <p>“Returning military veteran” – New term needed to comply with Ark. Code Ann. § 17-1-106</p> <p>“Rule 8” – added definition consistent with definition included in other air program strawman drafts. Defining the term means that we do not need to redefine the term every time it is used in the text.</p> <p>“Structural member” – Term used, but not defined in Regulation No. 21</p> <p>“Survey” – previously undefined term used in Regulation No. 21</p> <p>“Twelve-month period” – term used, but not defined in Regulation No. 21</p> <p>“Waste disposal site” – waste disposal site and waste disposal facility were used interchangeable, but neither was defined.</p>

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		<p>Therefore, the synonyms were consolidated on “waste disposal site” and a definition was added</p> <p>“Waste transporter” – previously undefined term used in Regulation No. 21</p> <p><u>Definitions Revised:</u></p> <p>“ACBM” – replaced with full term. Acronym no longer used</p> <p>“ACM” – replaced with full term. Acronym no longer used</p> <p>“Aggressive air sampling” – information taken from Reg. 21.901(G) and placed in definition because this term is used elsewhere in the rule and the reader should be able to refer only to the definitions chapter to figure out what is meant by “Aggressive air sampling.”</p> <p>“AHERA” – replaced with full term and additional detail about the act. Acronym is no longer used in Draft Rule 21</p> <p>“Air monitor” – revised to “Air Monitor Technician” – The term “air monitor” typically refers to a device used to monitor air quality, not a person. Instances of “air monitor” have been replaced with “air monitoring technician” throughout Draft Rule 21.</p> <p>“Air monitoring” – Changed to be more generic because the term “Clearance Air Monitoring” was added</p> <p>“Asbestos Abatement Consultant” – Additional information added to the definition to distinguish between the roles of the Asbestos Abatement Consultant and Asbestos Abatement Contractor; Exemption to requirement to obtain a license for permanent employees contained in Rule 21.302. No need to rehash in definition.</p> <p>“Asbestos Abatement Contractor” – Additional information added to the definition to distinguish between the roles of the Asbestos Abatement Consultant and Asbestos Abatement Contractor; Exemption to requirement to obtain a license for permanent employees contained in Rule 21.302. No need to rehash in definition.</p> <p>“Asbestos-containing waste material” – replaced the word “commercial asbestos,” with “asbestos” Removed “mill tailings.” DEQ does not have delegated authority for Mills, Fabrication, manufacturing, insulating, etc. The inclusion of</p>

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		<p>“commercial asbestos” and “mill tailings” are from copy and pasting the definition for “Asbestos-containing waste material” from 40 CFR 61.141 without adapting the definition to what is regulated under Regulation No. 21.</p> <p>“ASHARA” – replaced with full term, acronym no longer used, provided information about what the Asbestos School Hazard Abatement Reauthorization Act was.</p> <p>“Category I nonfriable asbestos-containing material” – to be nonfriable, the material cannot be capable of being crumbled, pulverized, or reduced to powder when dried. This requirement was omitted from the definition in Regulation No. 21 and in the NESHAP from which it was copy and pasted. Simplified language</p> <p>“Category II nonfriable asbestos-containing material – nonsubstantive changes to remove acronyms and improve readability</p> <p>“Certification” – revised to be specific to Regulation No. 21</p> <p>“Certified Industrial Hygienist” – revised to more closely match the definition that the American Board of Industrial Hygiene uses</p> <p>“Containment” – The person who installs containment isn’t a factor in determining whether something is considered “containment;” replaced “the operation site” with defined term “facility”</p> <p>“Contractor/Supervisor” – replaced with “Supervisor” to prevent confusion between the certification of personnel to perform the role and the “Asbestos Abatement Contractor,” which is a licensed entity</p> <p>“Department” – replaced with Division to reflect government transformation</p> <p>“Emergency renovation operation” – rearranged to improve readability</p> <p>“Encapsulation – revised definition to provide additional detail and remove acronyms</p> <p>“Facility” – reorganized to improve readability and to clarify public bridges are subject to Rule 21 requirements as “facilities”</p>

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		<p>“Friable asbestos-containing building material – Removed acronym</p> <p>“Friable asbestos material” – reworded to make the definition easier to read and removed acronyms, “polarized light microscopy” is now a defined term so reference to the method is unnecessary</p> <p>“Glovebag” – Revised to remove the extraneous information about OSHA as a resource for additional information. Definitions should provide the information needed for understanding the regulatory provisions in which the term is contained. Requirements should be in the regulatory provisions. Recommendations and additional resources should be in guidance, not the Rule</p> <p>“HEPA” – replaced with “high-efficiency particulate filter” and a definition was added</p> <p>“Inspection” – reordered language in definition regarding reinspection; removed acronyms</p> <p>“Inspector” – revised to remove acronyms and add “survey”</p> <p>“Leak-tight” – revised to clarify that “dust” is included in the term “solid”</p> <p>“License” – revised to reflect government transformation</p> <p>“Management plan” – revised to remove acronym</p> <p>“Management Planner” – revised to provide additional information about what a management planner is and what they do</p> <p>“MAP” – replaced with “model accreditation plan” and provided additional detail</p> <p>“Minor fiber release episode” – replaced acronyms and made language use changes pursuant to BLR drafting manual</p> <p>“NESHAP” – replaced with “National Emission Standards for Hazardous Air Pollutants” and expanded the definition to the terms actual meaning. 40 CFR 61 Subpart M is specified when the NESHAP for Asbestos is meant.</p> <p>“Nonfriable asbestos-containing material” – nonsubstantive changes to improve readability, method specified now defined in term “polarized light microscopy”</p>

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		<p>“Nonscheduled renovation operation” – replaced with “nonscheduled operation” because the term is used as both “nonscheduled renovation operation” and nonscheduled operation” in Regulation 21. Consolidated on using “nonscheduled operation,” definition revised to improve readability</p> <p>“Notice of deficiency” – added “or inaccuracies”</p> <p>“Notice of intent” – NOIs are required for asbestos response actions also. The specifications of when an NOI is required is contained in the NOI section and doesn’t need to be rehashed in the definition.</p> <p>“Notice of Violation” – removed acronyms and revised to simplify definition without making substantive change</p> <p>“Outside air” – replaced “outside” in the definition with external to avoid a circular definition and made changes consistent with BLR drafting manual</p> <p>“Owner or operator of a demolition or renovation activity” – replaced with “owner or operator” and revised to improve readability; There were many instances in Regulation No. 21, where this was shortened to “owner or operator” instead of using the full term “owner or operator of a demolition or renovation activity.” The few instances of “owner or operator” where the defined meaning did not apply were changed to not use the defined term. (e.g., “owner or operator of a waste disposal site” is now “person who owns or operates a waste disposal site.”</p> <p>“Penetrating encapsulant” – acronym in definition replaced with full term</p> <p>“Person or Persons” – replaced with just “person.” This term is defined in a singular context. Therefore, it doesn’t make since to include a plural version of the term in the definitions chapter.</p> <p>“Planned renovation operations” – replaced with “annual renovation operation.” All renovations except for emergency or nonscheduled renovations are planned. The renovations that are meant to be covered by this term are those that are planned to occur during a one-year period without planning for a specific date.</p> <p>“Project designer” – removed acronyms, simplified definition</p> <p>“Regulated asbestos-containing material” – removed acronyms, made language use changes pursuant BLR drafting manual, clarified that Category II nonfriable Asbestos-Containing Material with a high probability of becoming crumbled, pulverized, or reduced to powder is still RACM for other operations regulated under Rule 21 beyond demolition and</p>

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		<p>renovation operations. (E.g., asbestos response actions)</p> <p>“Remove” – replaced acronyms in the term with full terms</p> <p>“Renovation” – removed acronym and replaced with asbestos; Removed information that should have been in the definition of “demolition” instead.</p> <p>“Resilient floor covering” – simplified definition, “polarized light microscopy” is a defined term in Draft Rule 21</p> <p>“Response action” – replaced with “asbestos response action”</p> <p>“School” – replaced reference to definition found elsewhere with definition from 20 USC 7961(f)</p> <p>“Small-scale, short-duration activities – removed acronyms and language changes consistent with BLR drafting manual</p> <p>“Strip” – removed acronym</p> <p>“Training Provider” – definition revised, the defined term “person” includes other legal entities</p> <p>“Visible emissions” – simplified definition, it does not change the effect of a provision anywhere this term is used</p> <p>“Waste generator” – replaced undefined term “source” replaced with defined term “facility”</p> <p>“Waste shipment record” – simplified definitions, who has to sign what is described in the Waste Material Handling chapter of Draft Rule 21</p> <p>“Worker” – simplified definition</p> <p>“Working days” – corrected use of “which” versus “that” for the restrictive clause</p> <p><u>Definitions Removed:</u></p>

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		<p>“Air analysis” – This term is not used in Regulation No. 21 or Draft Rule 21</p> <p>“Air sampling” – This term was not used outside the context of “Aggressive air sampling,” which has been defined.</p> <p>“Certificate” – definition removed. This is used in Regulation No. 21 to mean other things that the definition provided. (E.g., certificate of insurance)</p> <p>“Clearance air monitor” – definition removed; this concept is redundant with “Air Monitor” (Reg. 21) or “Air Monitoring Technician (Draft Rule 21)</p> <p>“Director” – Term not used outside of definition of Division where it is explained in just as much detail as it is in the definition of Director in Regulation 21</p> <p>“EPA” – acronym used only twice in Rule 21; spelled out the term where it is used in the Rule</p> <p>“HVAC system” – acronym removed and replaced with full term throughout Draft Rule 21</p> <p>“Individual” – term used in multiple ways in Regulation 21, including in contexts where the defined meaning (any natural person) was not meant to apply. (e.g. “individual nonscheduled operations” and “individuals dwelling units”). Meaning in context is clear based on the plain meanings of the term; therefore, this term does not need to be defined.</p> <p>“In poor condition” – term used only once; in 21.804(B)(1), replaced the term with description using the old definition to make it apparent what constitutes “poor condition”</p> <p>“Major fiber release episode” – Term not used Draft Rule 21. Instead the term “minor fiber release episode” (which is the opposite of major fiber release episode) is used to carve out exemptions to requirements.</p> <p>“Particulate asbestos material” – Term not used in Draft Rule 21. Instead “particulate asbestos-containing material” is used which combines the two defined terms “particulate” and “asbestos-containing material”</p> <p>“Permitted landfill” – term not used outside its own definition</p> <p>“Phase contrast microscopy” – Only used in Reg. 21.901(G), specified methods in the corresponding section in Draft Rule</p>

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		<p>21 instead of defining in Chapter 2.</p> <p>“Suspected building material” – term wasn’t used outside its own definition</p> <p>“Thorough inspection” – Instead of defining a term here, the requirements were put into the provision that requires inspections.</p> <p>“Training day” – term not used in Draft Rule 21; it was only used in one section in Regulation No. 21, which has been revised in Draft Rule 21</p> <p>“Transmission electron microscopy” – term only used in Regulation No. 21.901(G). Instead of defining the method here, requirements, including method, were specified in the Clearance Air Monitoring provisions of Draft Rule 21.</p>
<p>Reg. 21.501, definition of thorough inspection, Reg. 21.701(A), Reg.21.901(B)(3)</p>	<p>Rule 21.607</p>	<p>Reg. 21.501 “Asbestos Inspection” was moved to 21.607; Rule 21.501 was held as “reserved” in for consistency in regulation citation references, as Chapter 5 in Rule 21 now contains Training requirements.</p> <p>Requirements previously dispersed in several sections were grouped together consistent with BLR drafting manual recommendations</p> <p>Requirements should not be contained in a definition. The definitions should give meaning/clarity to the requirements that are contained in the body of the rule.</p> <p>A report was not required under Reg. 21.501, but it is mentioned later as a record that must be kept in Reg. 21. Therefore, the requirements for a thorough inspection were included as required elements of the report.</p>
<p>Reg. 21.502, Reg. 21.606</p>	<p>Rule 21.608</p>	<p>Fleshed out project design, exemptions to when a project design is required, specified who must prepare the project design</p> <p>Requirements in the project design were pulled from what has to be submitted in the NOI.</p>
<p>Reg. 21.503</p>	<p>Rule 21.401</p>	<p>Moved into the chapter that specifies the requirements for certification. Simplified to rely on the definitions instead of rehashing what it means to be each one of the disciplines in this section.</p>

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Reg. 21.601, Reg. 21.602, Reg. 21.603, Reg. 21.604, Reg. 21.605, Reg. 21.606	Rule 21.609	Grouped and reorganized these into a single section based on the following logical flow: 1) Who needs to submit an NOI? 2) When do they need to submit the NOI? 3) What must be included in the NOI? 4) Requirement to keep NOI at job site Reg. 21.601 through Reg. 21.606 held as “reserved” in Rule 21 for consistency in regulation citation references.
Reg. 21.607	Rule 21.611	Revised to frame section in terms of Division action on an NOI, This provision applies to inaccurate, as well as incomplete, NOIs
Reg. 21.608, Reg. 21.609, Reg. 21.610	Rule 21.610	Grouped these together because they are both revisions to the NOI maintained distinction between which changes require a fee Provided flexibility in how changes that do not require a fee must be submitted
Reg. 21.611	Rule 21.520	Moved to Training chapter Made changes to comport with BLR Drafting Manual Specified which changes/cancellations the Division wants to know about. Currently the language doesn’t specify so theoretically any changes, including changes to information that the Division does not require be submitted, would have to be sent.

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<p>Reg. 21.701, Reg. 21.702, Reg. 21.703, Reg. 21.704</p>	<p>Rule 21.808</p>	<p>Provisions grouped together, and organized as follows:</p> <ol style="list-style-type: none"> 1) What needs to be kept at the worksite 2) How long do you have to keep the records? 3) Making the records available to the Division <p>Added requirement to keep a record of clearance air monitoring results. This record is needed to enforce the requirements pertaining to clearance air monitoring.</p> <p>Language use/style changes to comport with BLR Drafting manual</p>
<p>Reg. 21.801</p>	<p>Rule 21.103</p>	<p>General applicability provisions grouped together in Rule 21.103</p> <p>There is additional information in Reg. 21.901 about to what activities and work procedures are applicable, including exemptions not provided in Reg. 21.801.</p>
<p>Reg. 21.901 before Reg. 21.901(A)</p>	<p>Rule 21.802</p>	<p>This section defines applicability of the requirements of the Chapter,</p> <p>Asbestos response action was added because Reg. 21 Chapter 9 goes on to have requirements that pertain to response actions</p>
<p>Reg. 21.901(A), (B), (D), (E), Reg. 21.1001</p>	<p>Rule 21.804</p>	<p>Reorganized these provisions to produce a more logical flow:</p> <ol style="list-style-type: none"> 1) When does the requirement to remove RACM apply? 2) What activities are exempt? 3) How to handle removal of facility components with RACM from a facility

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		<p>4) How to handle stripping of RACM from a facility component that remains in place</p> <p>5) Requirements applicable to all RACM that has been removed or stripped</p> <p>Language use/style changes to comport with BLR Drafting Manual</p>
Reg. 21.901(C)	Rule 21.803	Moved into its own section because the requirement to have a supervisor present applies to other scenarios beyond removal/stripping or RACM
Reg. 21.901(F)	Rule 21.806	<p>Moved into its own section because this applies more broadly (E.g., removing, stripping, handling, preparation for disposal, waste material handling)</p> <p>Reorganized to improve readability</p>
Reg. 21.901(G)	Rule 21.807	<p>Reorganized and added term “clearance standard” to improve readability and comport with BLR Drafting manual,</p> <p>Replaced acronyms with terms</p> <p>Provided flexibility for who can perform a phase contrast microscopy analysis so that it can be performed on site by a person with credentials showing proficiency in the method.</p>
Reg. 21.1001(A) and (B) before the language “Mark vehicles”	Rule 21.804(D) and (E)	See entry above for Reg. 21.901(A), (B), (D), (E), and Reg. 21.1001
Reg. 21.1001(B) starting with “Mark Vehicles...”, Rule 21.1101(B), Rule 21.1101(C); Rule 21.1101(E)	Rule 21.905	<p>Grouped all labeling requirements pertaining to asbestos-containing waste together per BLR Drafting Manual recommendation to group related topics together</p> <p>Specified that labeling requirements from Dept. of Transportation for waste generators are found at 40 CFR § 173.6</p> <p>Split out size requirements from requirements for caution signs specified in 29 CFR 1910.145(d)(4) since that provision</p>

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		<p>doesn't actually specify requirements associated with a specific size sign as could be inferred from previous wording;</p> <p>Rearranged requirements for vehicle markings to conform to drafting practices. Previously, it was not properly outlined.</p> <p>Font in legend and relative size comply with the requirements for the legend. Actual size would be too large for the page.</p>
Rule 21.1001(C)	Rule 21.804, Rule 21.805(D), Rule 21.806	<p>Requirements for handling during removal grouped with other requirements for handling during removal;</p> <p>Reg. 21.1001(C)(4)(c) required the owner or operator to remove RACM when conditions were below a certain temperature to the maximum extent possible. This has bizarre implications like, should they work overnight if it is freezing, should they avoid removing RACM during summer, etc. In addition, it is written as if it is its own requirement rather than an alternative to wetting. Furthermore, it requires the keeping of records for something that is not otherwise provided for. I think this was meant to convey the flexibility to suspend wetting if conditions are below a certain temperature. This was rewritten in Rule 21.805(D) to allow suspension of wetting due to temperature (consistent with NESHAP Subpart M) without having to go through the process required in Rule 21.806 for alternatives to wetting. Recordkeeping for this is in Rule 21.808</p> <p>Alternative to wetting provided in Rule 21.806 instead of rehashing the requirements</p>
Reg. 21.1101 Before (A)	Rule 21.902 Rule 21.903	<p>Split into two sections:</p> <p>The first section defines applicability for the Chapter including for the waste generators, waste transporters, and waste disposal sites and excludes Category I and Category II nonfriable asbestos-containing material from the requirements pulled from Reg. 21.1101</p> <p>The second section requires certain operations to dispose of regulated asbestos-containing material</p> <p>Rearranged to improve readability</p> <p>Added requirement to dispose of asbestos-containing waste material from asbestos response actions, because this was largely copy and pasted from the NESHAP, which doesn't include response actions, this was left out. Reg. 21.901 requires RACM be removed, unless an exception is provided, for response actions. Therefore, disposal of material from response actions should also be regulated to protect the public and workers.</p> <p>The term "Owner or operator of a facility" was replaced with "waste generator throughout this chapter, which is defined in</p>

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
		Rule 21 as any owner or operator of a facility involved in an activity regulated by Rule 21 whose action or process produces asbestos-containing waste materials.
Reg. 21.1101(A),(D),(F)	Rule 21.904	<p>Pulled into a section to govern requirements for preparation of waste for disposal with references to sections for labeling, waste shipment, requirements applicable to wetting, etc.</p> <p>List of waste treatment methods simplified. Requirement to ensure no visible emissions is mentioned in each of the emission control and waste treatment methods in Regulation 21. So this is stated once and made applicable for all control and treatment methods;</p> <p>Specified where in 40 CFR Part 61 the requirements for waste disposal sites and sites that convert RACM into asbestos-free material are located, removed as of date which brings the reference to the language up to the effective date of Rule 21. Part 61 is not specific to asbestos. This should make it easier for the waste generator to find where the applicable requirements are.</p> <p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p> <p>“Director” term replaced with “Division,” which includes staff acting at the direction of the Director of the Division.</p> <p>Acronyms replaced with whole words</p>
Reg. 21.1101(B),(C),(E) Reg. 21.1001(B) starting with “Mark Vehicles...”	Rule 21.905	See entry above for Reg. 21.1001(B) starting with “Mark Vehicles...”, Rule 21.1101(B), Rule 21.1101(C); Rule 21.1101(E)
Reg. 21.1102, Reg. 21.1103, Reg. 21.1104(A),(D)	Rule 21.906	<p>Grouped process for transporting RACM together into the order in which events happen</p> <p>Terms waste shipment paper, waste shipping papers, shipping papers, and waste shipment records were used interchangeably. These were consolidated on the term “waste shipment record.”</p> <p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p>
Reg. 21.1104(B),(C),(E),(F), (G),(H),(I),(J),(K),(L)	Rule 21.907 Rule 21.908	All other requirements for waste disposal sites beyond requirement to sign and submit waste shipment record back to the waste generator, which is in Rule 21.906.

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
		<p>Rearranged to create a logical flow:</p> <ul style="list-style-type: none"> -What to do with waste received -Required Notifications -Recordkeeping -What to do if excavating or disturbing RACM -What to do when closing <p>“Waste disposal site” and “waste disposal facility” terms used interchangeable were consolidated on “waste disposal site”</p> <p>Replaced “owner or operator of an active waste disposal site” with “A person that owns or operates” to prevent confusion with “Owner or operator” as defined in Chapter 2.</p> <p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p>
<p>Reg. 21.1201, Reg. 21.1202 Reg. 21.1701</p>	<p>Rule 21.306</p>	<p>Grouped the first two provisions pertaining to license period together and changed passive voice to active voice</p> <p>Reg. 21.1701 split into Rule 21.306 as it pertains to licenses and Rule 21.407 as it pertains to certifications</p>
<p>Reg. 21.1203</p>	<p>Rule 21.303(A) Rule 21.304(A) Rule 21.305(A) Rule 21.307(A)</p>	<p>Reference to fees required in Chapter 13 of Draft Rule 21 included in each application section.</p>
<p>Reg. 21.1204 Reg. 21.1205 Reg. 21.1206</p>	<p>Rule 21.302</p>	<p>Grouped requirement to obtain a license before engaging in work of a contractor, consultant or training provider with exemptions to requirement for license</p> <p>Used full defined terms instead of shortening of terms (Asbestos Abatement Consultant vs Consultant)</p>

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
		<p>Replaced acronyms</p> <p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p>
Reg. 21.1301	Rule 21.303 and Rule 21.304	<p>Split into two sections: One for Consultants and one for Contractors.</p> <p>There are different requirements pertaining to contractors and consultants. This way one doesn't have to pick through both to figure out what is applicable. Specified the type of liability insurance required for each.</p> <p>Simplified reference to disclosure statement in case it moves to a different location in Regulation 8. "Rule 8" is a defined term.</p> <p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p> <p>Added "any other information that the Division may reasonably require" as a catch all.</p> <p>Removed reference to insurer authorized by the Arkansas Insurance Department because we have not been able to confirm that this is where the businesses would be authorized.</p> <p>Current forms require DEQ be named the certificate holder, but this was not previously explicitly required under Regulation 21. This is necessary to ensure the proper notifications to DEQ if changes are made.</p>
Reg. 21.1401, Reg.21.1402, Reg. 21.1403	Rule 21.305	<p>Grouped requirements for approvability of training courses in application.</p> <p>Instead of submitting a statement that each course complies with MAP, just pulled in all the requirements from MAP listed in 21.1402 and combined redundant requirements with 21.1401. Used MAP to ensure that all requirements were included.</p> <p>Removed statement that each course complies with minimal course content in Chapter 19. They are required to submit their materials to DEQ. DEQ should be the entity that determines whether the submitted course materials comply with Rule 21 minimal course requirements.</p> <p>Simplified reference to disclosure statement in case it moves to a different location in Regulation 8. "Rule 8" is a defined term.</p>

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
		<p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p> <p>Added “any other information that the Division may reasonably require” as a catch all.</p>
Reg. 21.1501, 21.2401	Rule 21.403, 21.404	<p>Split Application requirements for certification into two different sections</p> <p>1) All disciplines except air monitor technician</p> <p>2) air monitor technician (requirements are different)</p> <p>Simplified reference to disclosure statement in case it moves to a different location in Regulation 8. “Rule 8” is a defined term.</p> <p>Replaced photograph requirements to address issues with sizing, poor quality, and to match relative dimension of photograph placed on certification cards. Removed 72 dpi requirement due to enforceability issues, the purpose was to ensure image quality but this is taken care of by (E)(1). The Division does not have the equipment or staff allocated to take the pictures so the option to have the Department take a picture was removed.</p> <p>Added reciprocity so it is clear that this is an option instead of having to refer to another chapter</p>
Reg. 21.1502	Rule 21.410	Simplified
Reg. 21.1503, 21.1701, 21.1702	Rule 21.405	<p>Grouped together the certification period, reference to renewal, and what happens with lapsed certificates</p> <p>Added what happens if the holder fails to complete the refresher within the required period. (Before this was just implied)</p> <p>Other nonsubstantive changes to improve readability and comport with BLR drafting manual</p> <p>Reg. 21.1702 also referred to license holders, but license holders don’t take refresher courses.</p>
Reg. 21.1601 Reg. 21.1602	Rule 21.307	<p>Grouped together license renewals and moved them into the license chapter</p> <p>Simplified reference to disclosure statement in case it moves to a different location in Regulation 8. “Rule 8” is a defined</p>

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
		<p>term.</p> <p>Added catch all for information if needed</p>
Reg. 21.1603	Rule 21.406	<p>Moved to certifications chapter</p> <p>Simplified reference to disclosure statement in case it moves to a different location in Regulation 8. “Rule 8” is a defined term.</p> <p>Added reciprocity so it is clear that this is an option instead of having to refer to another chapter</p> <p>Added catch all for information if needed</p>
Reg. 21.1701	Rule 21.405(B) Rule 21.306	<p>Separated into certifications and licenses chapters.</p>
Reg. 21.1802(A), Reg. 21.1901	Rule 21.505	<p>Combined requirements for course and content</p> <p>Added that course may be taught in Spanish</p> <p>Ensured that the content matches MAP required content, ensured use of defined terms instead of shortened terms</p>
Reg. 21.1802(B), Reg. 21.1903	Rule 21.507	<p>Combined requirements for course and content,</p> <p>Ensured that the content matches MAP required content, ensured use of defined terms instead of shortened terms</p>
Reg. 21.1802(C), Reg. 21.1904	Rule 21.510	<p>Combined requirements for course and content,</p> <p>Ensured that the content matches MAP required content, ensured use of defined terms instead of shortened terms</p>
Reg. 21.1802(D), Reg. 21.1905	Rule 21.509	<p>Combined requirements for course and content,</p> <p>Ensured that the content matches MAP required content, ensured use of defined terms instead of shortened terms</p>

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
Reg. 21.1802(E), Reg. 21.1902	Rule 21.506	Combined requirements for course and content, Ensured that the content matches MAP required content, ensured use of defined terms instead of shortened terms
Reg. 21.1802(F), Reg. 21.1906	Rule 21.508	Combined requirements for course and content, Ensured that the content matches MAP required content, ensured use of defined terms instead of shortened terms
Reg. 21.1803	Rule 21.504	Reworded Added prohibition on self-accreditation for initial courses
Reg. 21.1804, Reg. 21.1802(A)(2),(B)(2),(C)(2), (D)(2), (E)(2), and (F)(2)	Rule 21.517	Pulled together elements common to exam requirements Added right for division to provide and administer training course
Reg. 21.1805	Rule 21.521	Reworded passive voice to active voice. Power of Division to revoke, suspend, or deny a license application discussed in Rule 21.310
Reg. 21.1806, Reg. 21.2401	Rule 21.403 (C)(2) Rule 21.404(D)(2)	Provisions pertaining to reciprocity for out of state training moved into sections covering applying for an initial certification or renewal instead of having them scattered in multiple chapters
Reg. 21.1807	Rule 21.519	Rearranged to improve readability Replaced acronyms Removed requirement for photographs to be able to be verified by telephone Other nonsubstantive changes to improve readability and comport with BLR drafting manual
Reg. 21.1808	Rule 21.518	Reworded from passive voice to active voice MAP specifies that the accreditation must expire 1 year after the date the person successfully completes the course and

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
		exam. 21.1907 statement on certificate removed, Training provider has to submit training materials for approval as part of licensing. This provides DEQ with the opportunity to review and ensure that the appropriate course content is covered
Reg. 21.1901	Rule 21.505	See entry for Reg. 21.1802(A), Reg. 21.1901
Reg. 21.1902	Rule 21.506	See entry for Reg. 21.1802(E), Reg. 21.1902
Reg. 21.1903	Rule 21.507	See entry for Reg. 21.1802(B), Reg. 21.1903
Reg. 21.1904	Rule 21.510	See entry for Reg. 21.1802(C), Reg. 21.1904
Reg. 21.1905	Rule 21.509	See entry for Reg. 21.1802(D), Reg. 21.1905
Reg. 21.1906	Rule 21.508	See entry for Reg. 21.1802(F), Reg. 21.1906
Reg. 21.1907	Rule 21.511	Added ability to teach course in Spanish Listed out specific elements of Divisions relationship with EPA, including delegation Differences between NESHAP Subpart M and Rule 21.
Reg. 21.2001	Rule 21.405	Requirement to attend refresher training for reaccreditation to renew certification
Reg. 21.2002, Reg. 21.2003	Rule 21.512, Rule 21.513, Rule 21.514; Rule 21.515; Rule 21.516	Split into training course requirements and content by discipline Listed key topics to cover in the review of key aspects of initial training course (pulled from lettered topics in Regulation 21 Chapter 19 for each discipline)
Reg. 21.2004	Rule 21.504(A)	Applicable to all training courses, including refresher training courses

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
Reg. 21.2101, 21.2103	Rule 21.309(B)(2) Rule 21.310, Rule 21.407, Rule 21.408	Denial is covered in the section discussing DEQ action on applications for licenses Suspension and revocation of licenses grouped together in licensing chapter Suspension and revocation of certifications moved to certification chapter
Reg. 21.2201	Rule 21.1302	Frames collection of fees as an obligation on the Division See BLR drafting manual for appropriate use of “shall” and “will”
Reg. 21.2202, Reg. 21.2203, Reg. 21.2204 Reg. 21.2212	Rule 21.1304	Fees for licenses were grouped together because they are the same cost Added a no cost revision to licenses in Rule 21.308 so specify there is no fee for it. Moved cost to replace a license here Specified that fees are nonrefundable
Reg. 21.2205, Reg. 21.2206 Reg. 21.2207 Reg. 21.2208 Reg. 21.2209 Reg. 21.2210 Reg. 22.2211 Reg. 22.2212 Reg. 22.2213	Rule 21.1305	Certification fees information grouped together Flow: <ul style="list-style-type: none"> • Fee required for certification and renewal of certification • Worker fee • Other disciplines certification Fee (because they are the same cost) • Multiple certifications • Replacement • Expedited processing Specified that fees are nonrefundable
Reg. 21.2214 Reg. 21.2215 Reg. 21.2216	Rule 21.1306	Grouped fees for NOI

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Location in Regulation No. 21	Location in Draft Rule 21	Explanation of Changes
Reg. 21.2217 Reg. 21.2218 Reg. 21.2219 Reg. 21.2220 Reg. 21.2221 Reg. 21.2222 Reg. 21.2223		<p>Clarified that applicable fees are nonrefundable</p> <p>Clarified that NOI revisions for start date and for change in amount of asbestos are two separate fees.</p> <p>Clarified that emergency NOI fee was in addition to other applicable fees based on amount of RACM/ACM affected</p>
Reg. 21.2301 Reg. 21.2302 Reg. 21.2303 Reg. 21.2304	Rule 21.309 Rule 21.407	<p>Provisions associated with Division action on licenses moved to licenses chapter and for Division action on certification moved to Certifications Chapter</p> <p>Offered case-by-case opportunity to approve refresher training courses offered online</p>
Reg. 21.2305	Not retained	<p>This section incorporates by reference certain provisions and provides an explanation of how definitions differ. For those federal provisions in Subpart M listed that we implement, the requirements are stated in the chapters 6, 8, and 9. Therefore, it is redundant to IBR them and may in some circumstances create conflicts. In addition, some of the standards incorporated by reference, the Division does not have delegation or implement (e.g., fabricating 61.147, Insulation 61.148).</p> <p>For those requirements we implement from Appendix C to 40 CFR Part 763 Subpart E, we also list out those requirements in the certification and training chapters. Therefore, it is redundant to IBR them and may in some circumstances create conflicts.</p>
Reg. 21.2401	Rule 21.403 (C)(2) Rule 21.404(D)(2)	<p>See previous entry for Reg. 21.1806, Reg. 21.2401</p>
Reg. 21.2501	Rule 21.311 Rule 21.409	<p>Split into licenses and certification chapters and simplified.</p>
Reg. 21.2601 Reg. 21.2602	Not retained	<p>These sections were reserved. Now the entire chapter 26 is reserved</p>
Reg. 21.2701	Rule 21.106	<p>Moved to Chapter 1 consistent with changes recommended for other APC&EC air rules.</p>

Table 2 Crosswalk of Draft Rule 21 to Regulation No. 21 (See Table 1 for explanations)

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Location in Draft Rule 21	Location in Regulation No. 21
Rule 21.101	Reg. 21.101
Rule 21.102	Reg. 21.201
Rule 21.103	Reg.21.301 and Reg. 21.801
Rule 21.104	New provision, added to make portions of rule severable if any portion of the rule is held invalid
Rule 21.105	New provision--codifies in Rule 21 how to interpret references made in Rule 21. This allows us to update references by remove certain "as of date." The public notice will need to discuss changes made to the referenced document between the date previously listed and the proposal of the rulemaking.
Rule 21.106	Reg. 21.2701
Chapter 2	Chapter 4
Rule 21.302	Reg. 21.1204, Reg. 21.1205, Reg. 21.1206
Rule 21.303	Reg, 21.1203, Reg. 21.1301
Rule 21.304	Reg. 21.1203 and Reg. 21.1301
Rule 21.305	Reg. 21.1203 and Reg. 21.1401, Reg. 21.1402, Reg. 21.1403
Rule 21.306	Reg. 21.1201, Reg. 21.1202, Reg. 21.1701
Rule 21.307	Reg. 21.1203, Reg. 21.1601, Reg. 21.307
Rule 21.308	New Provision Provides flexibility to make changes to license during a license period without additional fees: Change in Ownership, Change in Name or Location of licensee
Rule 21.309	Reg. 21.2301, Reg. 21.2302, Reg. 21.2303, Reg. 21.2304, Reg. 21.2101, Reg. 21.2103
Rule 21.310	Reg. 21.2101, Reg. 21.2103
Rule 21.311	Reg. 21.2501
Rule 21.401	Reg. 21.503
Rule 21.402	New Provision making explicit the requirements implied by requirement to provide certificates for applicable training courses in Reg. 21.1501 and Reg. 21.1802. This specifies what the applicable training courses are.
Rule 21.403	Reg. 21.1501, Reg. 21.2401, Reg. 21.1806, and Reg. 21.2401
Rule 21.404	Reg. 21.2401, Reg. 21.1806, and Reg. 21.2401
Rule 21.405	Reg. 21.2001, Reg. 21.1503, Reg. 21.1701, Reg. 21.1702
Rule 21.406	Reg. 21.1603
Rule 21.407	Reg. 21.2301, Reg. 21.2302, Reg. 21.2303, Reg. 21.2304, Reg. 21.2101, Reg. 21.2103
Rule 21.408	Reg. 21.2101, Reg. 21.2103
Rule 21.409	Reg. 21.2501
Rule 21.410	Reg. 21.1502
Rule 21.411	New provision implementing Ark. Code Ann. § 17-1-106

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Rule 21.502	Reg. 21.1701
Rule 21.503	New Provision Training Provider required to verify that persons admitted to their courses possess the valid prerequisite accreditation certification, or both before allowing the person to take a course
Rule 21.504	Reg. 21.1803, Reg. 21.2004
Rule 21.505	Reg. 21.1802(A), Reg. 21.1901
Rule 21.506	Reg. 21.1802(E), Reg. 21.1902
Rule 21.507	Reg. 21.1903, Reg. 21.1802(B)
Rule 21.508	Reg. 21.1802(F), Reg. 21.1906
Rule 21.509	Reg. 21.1802(D), Reg. 21.1905
Rule 21.510	Reg. 21.1802(C), Reg. 21.1904
Rule 21.511	Reg. 21.1907
Rule 21.512	Reg. 21.2002, Reg. 21.2003
Rule 21.513	Reg. 21.2002, Reg. 21.2003
Rule 21.514	Reg. 21.2002, Reg. 21.2003
Rule 21.515	Reg. 21.2002, Reg. 21.2003
Rule 21.516	Reg. 21.2002, Reg. 21.2003
Rule 21.517	Reg. 21.1804, Reg. 21.1802(A)(2),(B)(2),(C)(2),(D)(2),(E)(2), and (F)(2)
Rule 21.518	Reg. 21.1808
Rule 21.519	Reg. 21.1807
Rule 21.520	Reg. 21.611
Rule 21.521	Reg. 21.1805
Rule 21.606	New provision Specifies to whom the chapter is applicable
Rule 21.607	Reg. 21.501, definition of thorough inspection, Reg. 21.701(A), Reg.21.901(B)(3)
Rule 21.608	Reg. 21.502, Reg. 21.606
Rule 21.609	Reg. 21.601, Reg. 21.601, Reg. 21.603, Reg. 21.604, Reg. 21.605,

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	Reg. 21.606
Rule 21.610	Reg. 21.608, Reg. 21.609, Reg. 21.610
Rule 21.611	Reg. 21.607
Rule 21.802	Reg. 21.901 before Reg. 21.901(A)
Rule 21.803	Reg. 21.901(C)
Rule 21.804	Reg. 21.1001(A) and (B) before the language “Mark vehicles...” Reg. 21.901(A), (B), (D), (E) Reg. 21.1001(C)
Rule 21.805	Reg. 21.1001(C)
Rule 21.806	Reg. 21.1001(C), Reg. 21.901(F)
Rule 21.807	Reg. 21.901(G)
Rule 21.808	Reg. 21.701, Reg. 21.702, Reg. 21.703, Reg. 21.704
Rule 21.902	Reg. 21.1101 Before (A)
Rule 21.903	Reg. 21.1101 Before (A)
Rule 21.904	Reg. 21.1101(A),(D),(F)
Rule 21.905	Reg. 21.1101(B),(C),(E) Reg. 21.1001(B) starting with “Mark Vehicles...”
Rule 21.906	Reg. 21.1102, Reg. 21.1103, Reg. 21.1104(A),(D)
Rule 21.907	Reg. 21.1104(B),(C),(E),(F), (G),(H),(I),(J),(K),(L)
Rule 21.908	Reg. 21.1104(L)
Rule 21.1302	Reg. 21.2201
Rule 21.1303	New provision Specifies acceptable payment methods for fees
Rule 21.1304	Reg. 21.2202, Reg. 21.2203,

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	Reg. 21.2204, Reg. 21.2212
Rule 21.1305	Reg. 21.2205, Reg. 21.2206, Reg. 21.2207, Reg. 21.2208, Reg. 21.2209, Reg. 21.2210, Reg. 22.2211, Reg. 22.2212, Reg. 22.2213
Rule 21.1306	Reg. 21.2214, Reg. 21.2215, Reg. 21.2216, Reg. 21.2217, Reg. 21.2218, Reg. 21.2219, Reg. 21.2220, Reg. 21.2221, Reg. 21.2222, Reg. 21.2223