

EXHIBIT D

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality ("ADEQ")
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 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

1. What is the short title of this rule? Regulation No. 18

2. What is the subject of the proposed rule? Arkansas Air Pollution Control Code

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No

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

5. Is this a new rule?

Yes

No

If yes, please provide a brief summary explaining the regulation.

Not applicable

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

Not applicable

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."**

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? Why is it necessary?

This proposed rule revises the state air code (non-federally enforceable regulations) to be consistent with federal rule changes made after EPA's periodic reevaluation and revisions of the National Ambient Air Quality Standards and other federal air pollution control regulations. These changes will also provide greater clarity to Regulation No. 18 and eliminate typographical and formatting errors.

This proposed rule is necessary to ensure that the Arkansas regulation is not in conflict with federal rules that have been federally adopted. Also, by revising Regulation No. 18, ADEQ will be able to issue permits for fine particulate matter. Because the National Ambient Air Quality Standard for particulate matter is a health-based standard, this rule change will allow ADEQ to protect human health and the environment from detrimental effects of fine particulate matter. Additional substantive changes were made to Regulation No. 18 with the intention of updating Regulation No. 18 to be more closely aligned with federal rules. All other changes were made as updates, clarifications, and error corrections.

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

9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

November 13,

Date: 2012

Time: 2:00 p.m.

Place: ADEQ Commission Room, 5301 Northshore Drive, North Little Rock, AR, 72118

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

4:30 p.m., November 29, 2012

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

June, 2013

12. Do you expect this rule to be controversial?

Yes

No

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 subject to Regulation No. 18 will not object to this rulemaking. However, the overall consensus towards this proposed rule is unknown at this time.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality ("ADEQ")
DIVISION Air Division
PERSON COMPLETING THIS STATEMENT Elizabeth Sartain
TELEPHONE NO. 501-682-0719 **FAX NO.** 501-682-0753 **EMAIL:** sartain@adeq.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Regulation No. 18

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
Not applicable

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	<u>Not applicable</u>
Federal Funds	<u>Not applicable</u>
Cash Funds	<u>Not applicable</u>
Special Revenue	<u>Not applicable</u>
Other (Identify)	<u>Not applicable</u>
Total	<u>Not applicable</u>

Next Fiscal Year

General Revenue	<u>Not applicable</u>
Federal Funds	<u>Not applicable</u>
Cash Funds	<u>Not applicable</u>
Special Revenue	<u>Unknown</u>
Other (Identify)	<u>Not applicable</u>
Total	<u>Not applicable</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ \$0.00

Next Fiscal Year

\$ Unknown

Parties subject to this proposed rule will be those facilities with emissions of criteria pollutants and precursor pollutants such as PM2.5, PM10, lead, nitrogen oxides, ozone, and sulfur dioxide that will be permitted.

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ \$0.00

Next Fiscal Year

Unknown/
\$ minimal

ADEQ's estimated cost to implement this rule is unknown at this time, but is anticipated to be minimal.

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1. What is the short title of this rule? Regulation No. 19

2. What is the subject of the proposed rule? Arkansas Plan of Implementation for Air Pollution Control

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

"National Ambient Air Quality Standards for Particulate Matter, Final Rule," 71 Federal Register 61144-61233 (October 17, 2006); "Interpretation of the National Ambient Air Quality Standards for PM2.5—Correcting and Simplifying Amendment," 73 Federal Register 1497-1503 (January 9, 2008). "Review of National Ambient Air Quality Standards for Carbon Monoxide; Final Rule," 76 Federal Register 54294-54343 (August 31, 2011). "National Ambient Air Quality Standards for Lead; Final Rule," 73 Federal Register 66964-67062 (November 12, 2008). "Primary National Ambient Air Quality Standards for Nitrogen Dioxide; Final Rule," 75 Federal Register 6474-6537 (February 9, 2010). "National Ambient Air Quality Standards for Ozone; Final Rule," 73 Federal Register 16436-16514 (March 27, 2008). "Primary National Ambient Air Quality Standard for Sulfur Dioxide; Final Rule," 75 Federal Register 35520-35603 (June 22, 2010).

Adoption of this proposed rulemaking will satisfy requirements under Section 110 of the Clean Air Act which requires that each state provide for implementation, maintenance, and enforcement of National

Ambient Air Quality Standards ("NAAQS") within the State. Section 161 of the Clean Air Act also requires that state implementation plans contain provisions to prevent significant deterioration of air quality in areas of the state designated as "attainment" or "unclassifiable" for each NAAQS.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No

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

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

Not applicable

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.

Not applicable

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6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Ark. Code Ann. §§8-4-201, 8-4-202, 8-4-304, and 8-4-311.

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

This proposed rule implements federal rule changes made after the United States Environmental Protection Agency's ("EPA") periodic reevaluation of the NAAQS. In addition, this proposed rule updates Regulation No. 19, to be more closely aligned with multiple federal rules. The proposed changes will also clarify Regulation No. 19 and eliminate typographical errors.

This proposed rule is necessary to bring Arkansas into compliance with federal rule changes made as the NAAQS have been revised by the EPA. Also, by altering Regulation No. 19 to be in line with federal rules, the goal is for sources to find it less difficult to understand permitting requirements. Because the primary NAAQS are health-based standards and secondary NAAQS standards are set to protect public welfare, this rule change will allow ADEQ to protect human health and the environment from detrimental effects caused by NAAQS pollutants. The rule will also satisfy the State's requirements under the Clean Air Act to prevent significant deterioration of air quality in areas of the state designated as "attainment" or "unclassifiable" for each NAAQS. Additional substantive changes were made to Regulation No. 19 with the intention of updating Regulation No. 19 to be more closely aligned with federal rules. All other changes were made as updates, clarifications, and error corrections.

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).

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Yes No

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 subject to air permitting requirements will not object to this rulemaking. However, the overall consensus towards this proposed rule is unknown at this time.