

EXHIBIT K

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. 25

2. What is the subject of the proposed rule? Lead-Based Paint Activities

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.
Repeal of the 1997 Lead-Based Paint-Hazard Act; creation of the Arkansas Lead-Based Paint-Hazard Act of 2011

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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. Specific to this rulemaking: Ark. Code Ann. §§8-4-401 – 8-4-409.

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

The purpose of this proposal is to repeal Regulation No. 25, which is necessary action to ensure that APC&EC Regulations remain consistent with State law. Regulation No. 25 provides a framework for the regulation of lead-based paint activities by the Arkansas Department of Environmental Quality (ADEQ). The repeal is being proposed in response to the Arkansas Lead-Based Paint-Hazard Act of 2011 enacted by the 88th General Assembly of the State of Arkansas. The Act of 2011 transferred authority to regulate lead-based paint activities from ADEQ to the Arkansas Department of Health, and replaced the earlier Lead-Based Paint-Hazard Act of 1997, which originally authorized the adoption of Regulation No. 25. ADEQ no longer has any authority over lead-based paint activities, and Regulation No. 25 must be repealed to reflect the change in State law.

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.)

May, 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.

ADEQ does not expect to receive comments on the repeal of this Regulation.

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. 25

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>Not applicable</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

Not
\$ applicable

Next Fiscal Year

Not
\$ applicable

This proposal will repeal Regulation No. 25, Lead-Based Paint Activities, as the authority to oversee such activities has been reassigned to the Arkansas Department of Health through the Arkansas Lead-Based Paint-Hazard Act of 2011.

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

Not
\$ applicable

Next Fiscal Year

Not
\$ applicable

MEMORANDUM

Date: September 13, 2012

To: Ms. Pat Brown, Arkansas Economic Development Commission

From: Mike Bates, Chief of Air Division, Arkansas Department of Environmental Quality

RE: Compliance with Act 143 of 2007, as amended by Act 809 of 2009, for proposed repeal of Regulation No. 25, *Lead-Based Paint Activities*

Please find attached a mark-up version of Regulation No. 25 which relates to the proposed repeal of the Regulation. The proposed repeal to Regulation No. 25 is exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because the proposal codifies existing state law.

Regulation No. 25 was adopted under the authority of the Lead-Based Paint Hazard Act of 1997, at Ark. Code Ann. § 8-4-401 *et seq.* The 88th General Assembly of the State of Arkansas repealed the 1997 Lead-Based Paint-Hazard Act and created the Arkansas Lead-Based Paint-Hazard Act of 2011. The Arkansas Lead-Based Paint-Hazard Act of 2011 transferred authority to adopt, administer, and enforce a program for licensing lead-based paint activities, training programs, procedures, and certification requirements from the State Department of Environmental Quality to the Department of Health. The proposed repeal of Regulation No. 25 will update Arkansas' pollution control Regulations to be consistent with current State law, and will have no financial impact on small businesses.

As such, an Economic Impact Statement is not required for this rulemaking.