

# EXHIBIT L

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality (hereinafter, "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. 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.  
"Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits, Final Rule," 77 Federal Register 41051-41075 (July 12, 2012).
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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

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 by the United States Environmental Protection Agency ("EPA") which promulgated greenhouse gas (GHG) emissions plantwide applicability limitations (PALs). Inclusion of PALs permitting into Regulation No. 19 will reduce administrative burden on the Department and will streamline the air permitting process for large facilities subject to GHG permitting.

All other changes are typographical 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](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:

Date: April 2, 2013

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., April 16, 2013

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

August 15, 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 subject to air permitting requirements will not object to this rulemaking, as it is beneficial to facilities which are subject to GHG permitting. 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 (herinafter, "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 Number 19

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>Unknown</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**

\$ Unknown

Regulation No. 19 is applicable to minor sources and sources subject to Prevention of Significant Deterioration ("PSD") regulation. Parties subject to this proposed rule will be those facilities which are subject to GHG permitting under Regulation 19 PSD requirements. The proposed rulemaking is generally expected to streamline the permitting process for facilities.

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**

Unknown/  
\$ minimal

ADEQ's estimated cost to implement this rule is unknown at this time, but the proposed changes are anticipated to reduce administrative burden once adopted.



## MEMORANDUM

To: Arkansas Pollution Control and Ecology Commission ("Commission")

From: Mike Bates, Chief, Air Division, Arkansas Department of Environmental Quality ("ADEQ") 

Date: February 22, 2013

**RE: Compliance with Act 143 of 2007**

The proposed changes to Regulation No. 19 are exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because the changes "substantially codify existing... federal law." Please see the attached e-mail from ADEQ staff to Ms. Pat Brown of the Arkansas Economic Development Commission ("AEDC"). On February 7, 2013, the proposed rule changes (Exhibit "A," of the Rulemaking Packet) were submitted to AEDC for review pursuant to Act 143 of 2007, as amended by Act 809 of 2009. As of February 22, 2013, there has been no response from AEDC regarding this proposed rulemaking. At such time AEDC provides documentation of its review of the proposed changes to Regulation No. 19, ADEQ will supplement this memorandum by filing the response from AEDC with the Commission's Administrative Hearing Officer, and by placing an electronic copy of the response on the Commission's website.

## **Droke, Erika**

---

**From:** Droke, Erika  
**Sent:** Thursday, February 07, 2013 7:56 AM  
**To:** pbrown@arkansasedc.com  
**Cc:** Bates, Mike; Sartain, Elizabeth; Jacobs, Flavia  
**Subject:** Act 143: Review of APC&EC Regulation 19 proposed revisions  
**Attachments:** A\_Reg19\_PALs\_2-7-2013.pdf

Ms. Brown,

Please find attached Arkansas Pollution Control and Ecology Commission's proposed revisions to **Regulation Number 19**. Changes to this air pollution control regulation are being proposed in order to implement the United States Environmental Protection Agency's current plant-wide applicability limits, which will help to streamline the air permitting process for large facilities which are subject to permitting for greenhouse gas emissions.

The proposed revisions serve to codify existing federal law, are therefore exempt from preparation of an Economic Impact Statement, and are not expected to have an impact on small businesses in the State of Arkansas.

Please do not hesitate to contact me if you have any questions or comments.

Thank you for your time,

Erika Droke  
Arkansas Department of Environmental Quality  
Air Division, Planning Branch: Regulations Development  
5901 Northshore Drive  
North Little Rock, AR 72118-5317  
Phone: (501) 682-0748  
Fax: (501) 682-0753  
[droke@adeq.state.ar.us](mailto:droke@adeq.state.ar.us)



# ADEQ

ARKANSAS  
Department of Environmental Quality

## Memorandum

TO: Charles Moulton, Interim Hearing Officer, Arkansas Pollution Control and Ecology Commission

FROM: Mike Bates, Chief, Air Division *MB*

DATE: February 8, 2013

SUBJECT: Proposed Revisions to Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control

2013 FEB - 7 11:11

The Arkansas Department of Environmental Quality ("ADEQ") proposes revisions to Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control. Regulation No. 19 is applicable to minor sources and sources subject to Prevention of Significant Deterioration ("PSD") regulation.

ADEQ is proposing revisions to Regulation No. 19 in order to implement plantwide applicability limitations (PALs) for greenhouse gas (GHG) emissions. On July 12, 2012, the Environmental Protection Agency published a final rule in the Federal Register which promulgated the third step of the GHG Tailoring Rule, which was instated to "improve the administration of the GHG PSD permitting programs." (77 Fed. Reg. 41,051, July 12, 2012.) Adoption of the proposed revisions to Regulation No. 19 will reduce the administrative burden on the Department and will streamline the air permitting process for large facilities subject to GHG permitting.

Significant proposed changes are found within Regulation No. 19, Chapter 9, *Prevention of Significant Deterioration*. Specifically, at Reg. 19.904, *Adoption of Regulations*, paragraph 19.904(A)(1) is revised to incorporate 40 C.F.R. § 52.21(aa), the section within the Code of Federal Regulations where the GHG PALs federal language is located, and the pre-existing paragraph (A)(1) is renumbered as (A)(2). Also, at 19.904(G)(1), subparagraphs (a), (b), and (c) are added largely verbatim from GHG PALs federal language found at 40 C.F.R. § 52.21(b)(49)(i).

Minor changes were also made for clarification and consistency purposes, or to update typographical errors throughout Regulation No. 19. These changes are not related to the above GHG PALs revision, and are non-substantive items. Revisions made for this purpose include: at 19.904(A) a reference to paragraph 19.904(G) is added, at 19.904(E)(3) a reference to air quality models is corrected, and at 19.904(G)(1) the word "and" is added.

