

EXHIBIT B

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

DEPARTMENT/AGENCY: Arkansas Department of Environmental Quality

DIVISION: Water

DIVISION DIRECTOR: Ellen Carpenter

CONTACT PERSON: Sam Ledbetter and Ross Noland, representing Third-Party Petitioners the Ozark Society and the Arkansas Public Policy Panel

ADDRESS: 711 W. 3rd St., Little Rock, Arkansas, 72201

PHONE NO.: 501-396-5400 **FAX NO.:** 501-374-5118 **E-MAIL:** ross@mcmathlaw.com

NAME OF PRESENTER AT COMMITTEE MEETING: Sam Ledbetter and Ross Noland

PRESENTER E-MAIL: ross@mcmathlaw.com

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?

Arkansas Pollution Control and Ecology Commission Regulation No. 5, Liquid Animal Waste Management Systems.

2. What is the subject of the proposed rule?

A new Chapter 9 to prohibit the Director of the Arkansas Department of Environmental Quality from issuing new permits pursuant to Regulation No. 5 for the operation a certain, defined size of confined animal operations in the Buffalo National River Watershed.

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.

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? _____

When does the emergency rule expire? _____

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

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 Yes_____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

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."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Ark. Code Ann. § 8-4-101 et seq.

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

The purpose is to prohibit the Director of the Arkansas Department of Environmental Quality from issuing new permits pursuant to Regulation No. 5 for the operation of a certain, defined size of confined animal operations in the Buffalo National River Watershed. It is necessary to protect the existing water quality of the Buffalo National River and the associated tourism and recreational based economy surrounding the river.

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 X No _____

If yes, please complete the following:

Date: June 17, 2014

Time: 6:00, pm

Place: Durand Conference Center, Room A, at North Arkansas College, 303 N. Main St., Harrison, AR

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

July 1, 2014

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

Ten days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.

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.

Petitioners expect many comments from residents of the Buffalo National River Watershed, recreational users of the river, and those who own and operate businesses in the watershed. Petitioners expect broad support for the regulation change. Petitioners have not identified a group or individual who intend to oppose this rule change, but do acknowledge that such opposition is possible.