

# **EXHIBIT B**

## **Legislative Questionnaire**

**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

**DIVISION DIRECTOR:** Steve Drown

**CONTACT PERSON:** Steve Drown

**ADDRESS:** Arkansas Department of Environmental Quality, 5301 Northshore Drive,  
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**NAME OF PRESENTER AT COMMITTEE MEETING:** Charles R. Nestrud

**PRESENTER EMAIL:** [cnestrud@cnjlaw.com](mailto:cnestrud@cnjlaw.com)

**TO:** Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. What is the short title of this rule?

*Arkansas Pollution Control and Ecology Commission, Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas*

2. What is the subject of the proposed rule?

*The rule responds to comments raised by the United States Environmental Protection Agency regarding an amendment to Regulation No. 2 approved by the Commission. The proposed rule will rescind previously enacted amendments to Regulation No. 2, as described in more detail below.*

3. Is this rule required to comply with federal statute, rule or regulation?

Yes \_\_\_\_\_ No  X

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 X

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Does this repeal an existing rule: Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 substance changes.

*See Attachment A to this Exhibit, and Exhibit G (Executive Summary)*

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

*Act 472 of the Acts of Arkansas 1949, as amended. Ark. CODE ANN.. § 8-4-202.*

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

*The purpose of the proposed rule is to amend the Arkansas Pollution Control and Ecology Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, so that the following modifications to Regulation 2 that were approved through Minute Order 07-19 be rescinded:*

- a. *modify the dissolved minerals criteria for Flat Creek from mouth of the unnamed tributary ("UTA") to the mouth of Haynes Creek as follows:*

*TDS from 123 mg/L to 560 mg/L  
Sulfate from 31 mg/L to 67 mg/L  
Chloride from 14 mg/L to 165 mg/L*

- b. *modify the dissolved minerals criteria for Haynes Creek from confluence of Flat and Salt Creeks downstream to confluence with Smackover Creek as follows:*

TDS from 123 mg/L to 855 mg/L  
Sulfate from 31 mg/L to 55 mg/L  
Chloride from 14 mg/L to 360 mg/L

*The proposed rule is necessary to modify the dissolved mineral criteria for the above listed stream segments to levels that are appropriate and protective of the designated and existing uses. These water quality standard modifications will not adversely affect the aquatic life communities and existing fisheries.*

8. Please provide the address where this rule is publicly available in electronic form via the Internet as required by Ark. Code Ann. 25-19-108(b).

[http://www.adeg.state.ar.us/regs/drafts/draft\\_regs.htm](http://www.adeg.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: \_\_\_\_\_

Time: To be determined by ADEQ

Place: Commission Room, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118

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

*The period for receiving all written comments by the public shall conclude ten (10) business days after the date of the public hearing pursuant to Arkansas Pollution Control and Ecology Commission Regulation No. 8, Part 3, Section 2.2.3, unless an extension of time is granted.*

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

*The regulation becomes effective twenty days after filing of the final regulation as adopted by the Commission with the Secretary of State. However, EPA must approve this rule before it is fully effective.*

10. Do you expect the rule to be controversial? Yes  No  If yes, please explain.

11. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide the position (for or against) if known.

*For or Neutral:*

*Unknown*

*Against:*

*Unknown*