

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
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NAME OF PRESENTER AT COMMITTEE MEETING: Charles R. Nestrud
PRESENTER EMAIL: 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

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 establishes water quality standards for surface waters in the State of Arkansas that are promulgated to protect the designated uses of those surface waters. The proposed rule will amend specific standards applicable to specified surface waters, 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Does this repeal an existing rule: Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 attachments A and B.

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, to modify the minerals criteria as follows:

- a. modify the dissolved minerals criteria for the McGeorge Creek to confluence with Willow Springs Branch as follows:*
 - *Sulfate from 41.3 mg/L to 257 mg/L*
 - *TDS from 138 mg/L to 432 mg/L*
- b. modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:*
 - *Sulfate from 41.3 mg/L to 112 mg/L*
 - *TDS from 138 mg/L to 247 mg/L*
- c. modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs ranch and Fourche Creek as follows:*
 - *Sulfate: NO CHANGE*
 - *TDS from 138 mg/L to 179 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.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: Week of _____, 2009

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. Thus, the public comment period will expire during the week of _____, 2009.

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.

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:

Arkansas Department of Environmental Quality

Arkansas Department of Health

Arkansas Natural Resources Conservation Commission

Region VI, US Environmental Protection Agency

Against:

Unknown