

## **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:** 5301 Northshore Drive, North Little Rock, AR 72118  
**PHONE NO.:** 501/682-0655 **FAX NO.:** 501/682-0910 **E-MAIL:** drown@adeq.state.ar.us  
**NAME OF PRESENTER AT COMMITTEE MEETING:** Mark Allison  
**PRESENTER E-MAIL:** mallison@ddh-ar.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?

*Modification of the mineral water quality standards of the Arkansas Water  
Quality Standards, as described more fully below, for an Unnamed Tributary to  
the Poteau River and for the Poteau River from its confluence with the Unnamed  
Tributary to the state line.*

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

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? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

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

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

5. 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 (blackline of the affected pages of APCEC Regulation No. 2 and B (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 1949, as amended, ARK. CODE ANN. §8-4-101, et seq.*

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

*The purpose of the proposed rule is to amend APCEC Regulation No. 2 to modify the chloride, sulfate and total dissolved solids (TDS) water quality standards as follows:*

- a. Modify the dissolved minerals water quality standards for the Unnamed Tributary from the Point of Discharge of Tyson-Waldron downstream to the point of discharge of the City of Waldron WWTP*

*chlorides from 150 mg/l to 80 mg/l*

*sulfates from 70 mg/l to 121 mg/l  
TDS from 660 mg/l to 411 mg/l*

- b. *Modify the dissolved minerals water quality standards for the Unnamed Tributary from the Point of Discharge of the City of Waldron wastewater treatment plant to the Confluence with the Poteau River*

*chlorides from 150 mg/l to 106 mg/l  
sulfates from 70 mg/l to 117 mg/l  
TDS from 660 mg/l to 514 mg/l*

- c. *Modify the dissolved minerals water quality standards for the Poteau River from the Confluence with the Unnamed Tributary (near Business Hwy 71) to the state line.*

*chlorides from 150 mg/l to 106 mg/l  
sulfates from 70 mg/l to 117 mg/l  
TDS from 660 mg/l to 514 mg/l*

*The rule is necessary to modify the dissolved mineral standards for the above listed stream segments to levels that reflect current and historic water quality conditions and which are appropriate for Tyson Foods, Inc. – Waldron Plant 's operations and are protective of the designated uses. The water quality standard modifications will not adversely affect the aquatic life communities or the existing fisheries. There are no economically feasible treatment technologies capable of reducing the dissolved mineral concentration to levels of the current standards in the affected streams.*

8. Will a public hearing be held on this proposed rule?

Yes ☒ No ☐

If yes, please complete the following:

Date: during July 2013, sometime after July 11

Time: to be determined by ADEQ

Place: Scott County, Arkansas at a location to be determined by ADEQ

9. 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, Section 8.806(C),  
unless an extension of time is granted.*

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

*The regulation becomes effective ten days after filing of the final regulation as  
adopted by the Commission with the Secretary of State, the State Library and the  
Bureau of Legislative Research.*

11. Do you expect the rule to be controversial?

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

If yes, please explain.

12. 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  
Arkansas Game and Fish Commission*

*Against:*

*unknown*