

EXHIBIT B

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

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DEPARTMENT/AGENCY: Arkansas Department of Environmental Quality
DIVISION: Water Division
DIVISION DIRECTOR: Steve Drown
CONTACT PERSON: Ray F. Cox, representing Third Party Petitioner--
Central Arkansas Water
ADDRESS: 200 W. Capitol Ave., Suite 2300, Little Rock AR 72201
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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
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. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES).*
 - 2. What is the subject of the proposed rule? *The addition of a new Chapter 6 providing for the prohibition of surface discharge of wastewater into the Lake Maumelle Basin, with the exception of discharges permitted under the NPDES stormwater discharge program, and renumbering original Chapters 6 and 7 as Chapters 7 and 8, respectively.*
 - 3. Is this rule required to comply with federal statute or regulations?
Yes _____ No X

If yes, please provide the federal 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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.”**

See Attachments A and B.

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

A.C.A. § 8-4-101 et seq. (specifically Act 472 of the Acts of Arkansas 1949, as amended)

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

The proposed change is to prohibit surface discharges of wastewater into the Lake Maumelle Basin, with the exception of discharges permitted under the NPDES stormwater discharge program, in order to preserve the quality of the water for drinking water. Scientific studies, including the use of calibrated watershed and lake response models, have demonstrated that long-term surface water discharges of wastewater pose the single most serious and dominant threat to Lake Maumelle, greatly increasing the likelihood of harmful algae blooms and significantly degrading the current high level of lake water quality (Tetra Tech, 2006). The watershed and lake analysis showed that allowing surface wastewater discharges – even with the highest levels of treatment –

would make it impossible to achieve lake water quality targets.

8. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

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 Regulation No. 8, Part 3, Section 2.2.3, unless an extension of time is granted. The public hearing is scheduled for April 17, 2008. Thus, the public comment period will expire April 17, 2008.

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

The regulation becomes effective twenty (20) days after filing of the final regulation as adopted by the Commission with the Secretary of State.

11. Do you expect this rule to be controversial? Yes X No _____

If yes, please explain.

The amended regulation may be perceived by some as providing a barrier to future developments in the Lake Maumelle Basin, although the major developers, Deltic and Rick Ferguson, are expected to support the amended regulation.

12. 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.

Central Arkansas Water (for), Deltic (for)