

Exhibit C:

Legislative Questionnaire

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

Arkansas Department of Environmental Quality (ADEQ) by and
through the Arkansas Pollution Control and Ecology Commission

DEPARTMENT/AGENCY (APC&EC)

DIVISION Office of Water Quality (OWQ)

DIVISION DIRECTOR Caleb Osborne, Associate Director

CONTACT PERSON Caleb Osborne, Associate Director, Office of Water Quality

ADDRESS 5301 Northshore Drive, North Little Rock, Arkansas

PHONE NO. 501-682-0655 **FAX NO.** 501-682-0880 **EMAIL** osbornec@adeq.state.ar.us

NAME OF PRESENTER AT COMMITTEE MEETING Caleb Osborne

PRESENTER EMAIL osbornec@adeq.state.ar.us

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
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- Regulation No. 1: Regulation for the Prevention of
Pollution by Salt Water and Other Oil Field Wastes
Produced by Wells in All Fields or Pools
1. What is the short title of this rule? _____
- Prevention of Pollution by Salt Water and Other Oil
Field Wastes Produced by Wells in All Fields or
Pools
2. What is the subject of the proposed rule? _____
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
- 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 ☒

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 ☐

5. Is this a new rule? Yes ☐ No ☒

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

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 ☒ 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 the Arkansas Code citation. Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 et seq.

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

The purposes of the amendments to this regulation are to:

(1) Simplify the name of the program to Prevention of Pollution by Oil Field Wastes;

(2) Eliminate a duplicative permitting process for Disposal Wells that are not Commercial Disposal Wells or High Volume Disposal Systems by establishing permit by rule for Disposal Wells permitted by the Arkansas Oil and Gas Commission (AOGC);

(3) Update definitions; and

(4) Make minor revisions to include correcting typographical, grammatical, errors and updating formatting to conform with current stylistic guidance throughout the regulation.

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).

www.adeq.state.ar.us/regs/draft_regs.aspx

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: July 26, 2018

Time: 2:00 p.m.

Commission Room

ADEQ Headquarters

5301 Northshore Drive

Place: North Little Rock, AR 72118

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

August 16, 2018

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

December 31, 2018 (After legislative review, APC&EC final adoption, and filing with the Secretary of State)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of “agency” under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). However, laws concerning the promulgation of regulations by the APC&EC do require public notice, a copy is attached.
13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of “agency” under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). Filing with the Secretary of State does not occur until after legislative review and final APC&EC adoption.
14. 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. None anticipated.