

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Department of Energy and Environment  
BOARD/COMMISSION Division of Environmental Quality  
BOARD/COMMISSION DIRECTOR Bailey Taylor  
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NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING  
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**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

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1. What is the official title of this rule?  
Rule No. 1," Prevention of Pollution by Oil Field Waste"
2. What is the subject of the proposed rule? To regulate oil fields to prevent any oil field waste from entering in
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☒ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☐ No ☒

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

The Arkansas Pollution Control and Ecology Commission has routinely repealed all unnecessary rules. The current rules are all necessary for the exercise of the regulatory authority of the Division of Environmental Quality. This rule amendment is necessary to streamline regulatory authority between the division and the Oil and Gas Commission and make regulation of Class II Disposal Wells and Class II Commercial Disposal Wells more efficient

8. Is this a new rule? Yes ☐ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

The Arkansas Pollution Control and Ecology Commission has general rulemaking authority pursuant to Ark. Code Ann. Sec. 8-1-203(b), and specific rulemaking authority under Ark. Code Ann. Sec. 8-4-202(a) and (b).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes ☐ No ☒

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

Currently, the Oil and Gas Commission (OGC) regulates and permits Class II disposal wells. Under Rule 1, the Division of Environmental Quality regulates and permits the surface facilities of high volume Class II Disposal wells and Class II Commercial Disposal wells. The purpose of the amendment is to allow the OGC to regulate all Class II Disposal Wells and Class II Commercial Disposal Wells, as well as the surface facilities. This will clarify and streamline the regulatory responsibility between the OGC and Division of Environmental Quality in regard to Class II Disposal Wells and Class II Commercial Disposal Wells. Ultimately, this amendment will make the permitting process more efficient for both industry and government regulators, and allow for cost savings by eliminating regulatory overlap.

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

[https://www.adeq.state.ar.us/regs/draft\\_regs.aspx](https://www.adeq.state.ar.us/regs/draft_regs.aspx)

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

If yes, please complete the following:

Date: 08/29/2024

Time: 2:00 pm

Place: Commission Room, 5301 Northshore Drive, North Little Rock, AR 72118

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. 09/08/2024

15. What is the proposed effective date for this rule? December, 2024

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.