

Exhibit C (Amended):

LEGISLATIVE QUESTIONNAIRE

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Division of Environmental Quality by and through the Arkansas Pollution Control & Ecology Commission
DIVISION Office of Water Quality
DIVISION DIRECTOR Alan York
CONTACT PERSON Joe Martin or Basil Hicks
ADDRESS 5301 Northshore Drive, North Little Rock, Arkansas 72118
PHONE NO. 501.682.0660, 501.682.0884 **FAX NO.** (501) 682-0880 **E-MAIL** Joe.Martin@adeq.state.ar.us, hicks@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Joe Martin or Basil Hicks
PRESENTER E-MAIL Joe.Martin@adeq.state.ar.us, hicks@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
D. Rule" below.
E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Rule 2, Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas
2. What is the subject of the proposed rule? Triennial review and revision of the State's water quality standards, as required by the federal Water Pollution Control Act ("Clean Water Act")
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.

The rule must comply with the federal Clean Water Act, 33 U.S.C. § 1251 et seq. and the regulations promulgated thereunder.
The rule must comply with Acts 910 and 315 of the 2019 Legislative Session.

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? _____

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 ☒ If yes, please provide a brief summary explaining the rule.

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.

The Arkansas Water and Air Pollution Control Act, Ark. Code. Ann. § 8-4-101 et seq., including but not limited to Ark. Code Ann. § 8-4-202(b)(3).

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

The proposed amendments to the regulation include the following:
Pursuant to the Clean Water Act, 33 U.S.C. § 1251 et seq., Arkansas has been delegated the authority to establish and administer water quality standards. The water quality standards are administered through the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 et seq. The Clean Water Act requires states to review their water quality standards on a triennial basis and to amend those standards as necessary. This proposed rule is the result of that process. The proposed changes are necessary to ensure that waters of the state are maintained and protected in accordance with the Clean Water Act and the Arkansas Water and Air Pollution Control Act.
Additionally, this proposed amendment makes changes consistent with Acts 910 and 315 of 2019.

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

After initiation of the rulemaking process by the Arkansas Pollution Control and Ecology Commission, the proposed rule and all related documents, including this form, will be available here:

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: July 29, 2020

Time: 2:00 P.M.

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

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

4:30 p.m. Central Time, September 8, 2020

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

November 15, 2021

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. N/A

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). N/A

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.

The following entities commented

1. Adam Schaffer
2. Amanda Kennedy
3. Arkansas Game and Fish Commission
4. Beaver Water District
5. Beth Ardapple
6. Brenda Scheffler
7. Buffalo River Watershed Alliance (BRWA)
8. Carol Bitting
9. Carol Storch
10. Chris Cristoffel
11. Chuck Bitting
12. Cindy Jetton
13. Dane Schumacher
14. Department of Environmental Quality (DEQ)
15. Ellen Corley
16. Ellen Mitchell
17. Fay Knox
18. Fran Alexander
19. IDEXX
20. Jeff Williams
21. John Casey
22. Karen Sells
23. Kimberly Brasher
24. Larry and Marti Olesen
25. Linda Smith
26. Mark Smith
27. Michel E. Kelly
28. Nancy Deisch
29. Ozark Society
30. Pam Stewart
31. Paul R Easley/CAW
32. Richard P. Osborne
33. Sandy Bernet
34. Shane Jetton
35. Shawn Porter
36. White River Water Keeper (WRWK)
37. United States Environmental Protection Agency, Region 6 (EPA)