

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 Martin Maner

CONTACT PERSON Martin Maner

ADDRESS 8001 National Drive, P.O. Box 8913, Little Rock, AR 72219-8913

PHONE NO. 501-682-0654 **FAX NO.** 501-682-0910 **E-MAIL** maner@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
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

What is the short title of this rule? Regulation 6: Regulation for State Administration of the National Pollutant Discharge Elimination System (NPDES)

2. What is the subject of the proposed rule? NPDES Permit Program
3. Is this rule required to comply with federal statute or regulations? Yes X No _____

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

Federal Water Pollution Control Act, (a.k.a. “Clean Water Act”) 33 U.S.C. § 1251 et seq. This program is delegated to the State of Arkansas and is administered pursuant to the Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq.

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?

EXHIBIT B

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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."

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

Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq.

7. What is the purpose of this proposed rule? Why is it necessary? To adopt regulations necessary to qualify the State of Arkansas to retain its authorization to implement the State Water pollution control permitting program in lieu of EPA. In order to retain its authorization, it is necessary for ADEQ to have regulations as stringent as the federal program administered by the USEPA.

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

If yes, please complete the following:

Date: Beginning week of January 4, 2004

Time: TBA by public notice during week of November 2, 2003

Place: Mountain Home, Fayetteville, and Little Rock

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

10 business days after the date of the public hearing; on or about January 23, 2004

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

March 16, 2004

11. Do you expect this rule to be controversial? Yes X No _____ If yes, please explain. It is possible the rule will be controversial. Arkansas has been in negotiations with the State of Oklahoma concerning phosphorus nutrient levels in impacted waters. This rule establishes phosphorus levels, but ADEQ has worked diligently with affected stakeholders to reach a consensus.

EXHIBIT B

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. Arkansas Environmental Federation (unknown); State of Oklahoma (unknown); State of Missouri (unknown); Impacted Cities (unknown)