

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 Ryan Benefield, ADEQ Deputy Director
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NAME OF PRESENTER AT COMMITTEE MEETING Teresa Marks, ADEQ Director
PRESENTER E-MAIL marks@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
Room 315, State Capitol
Little Rock, AR 72201

Regulation No. 6, Regulations for State Administration of
the National Pollutant Discharge Elimination System
(NPDES)

1. What is the short title of this rule? _____
2. What is the subject of the proposed rule? Implementation of Act 954 of 2013
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 regulation must comply with the federal Clean Water Act, 33 U.S.C. 1251 et seq. and regulations promulgated thereunder. Additionally, the proposed changes are made in accordance with Acts 402 and 954 of 2013.
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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 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, including new provisions included in Act 954 and Act 402 of 2013.

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

Act 954 of 2013 was passed the Arkansas General Assembly to address, inter alia, the implementation of water quality standards and criteria for minerals, including without limitation total dissolved solids, chlorides, and sulfates. As APC&EC Regulation No. 6 is the regulation governing the development and issuance of NPDES permits by ADEQ, this regulation should be amended to incorporate and fully implement the provisions of Act 954. Additionally, Act 402 of the 2013 update the financial assurance requirements for nonmunicipal domestic sewage treatment works and those changes should be incorporated into this 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).

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: Sept. 23, 2013

Time: 2:00 p.m.

Place: ADEQ Headquarters, Commission Room, North Little Rock, AR

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

Oct. 7, 2013

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

Oct. 25, 2013

12. Do you expect this rule to be controversial?

Yes ☒

No ☐

While ADEQ opposed the provisions of Act 954 while it was still before the General Assembly, the agency commits to implementing the new law as it is written. However, this bill was also opposed by many public interest groups who may wish to speak in opposition of implementation of Act 954.

If yes, please explain. ADEQ supported the changes that were made under Act 402 of 2013. The agency does not expect that part of the rulemaking to be controversial.

13. 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 Public Policy Panel; Arkansas Citizens' First Congress; Arkansas Ozark Society; Arkansas Canoe Club; Audubon Arkansas; Arkansas Sierra Club and others

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality
DIVISION Water Division
PERSON COMPLETING THIS STATEMENT Lorielle Gutting, Attorney Specialist
TELEPHONE NO. (501) 682-0884 **FAX NO.** (501) 682-0891 **EMAIL:** gutting@adeq.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒

2. Does this proposed, amended, or repealed rule affect small businesses? Yes ☐ No ☒
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

This proposed rule should not affect small business.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

Not applicable.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	<u>\$0</u>

Next Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	<u>\$0</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

The proposed changes to Regulation No. 6 should not subject any party to any costs.

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

The proposed changes to Regulation No. 6 should not submit ADEQ to any increased costs.