

Exhibit C:

Legislative Questionnaire

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 DIRECTOR Caleb Osborne
CONTACT PERSON Caleb Osborne
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72118
PHONE NO. 501-682-0655 **FAX NO.** 501-682-0880 **E-MAIL** osbornec@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING Caleb Osborne
PRESENTER E-MAIL 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

1. What is the short title of this rule? Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)

2. What is the subject of the proposed rule? NPDES

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
40 C.F.R. §§ 122.21(e)(3), 122.44(i)(1)(iv), 125 Subparts I and J, 127, and 136.1(c).
If yes, please provide the federal rule, regulation, and/or statute citation. 136.1(c).

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. N/A

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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. N/A

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. Ark. Code Ann. § 8-1-203(b)(1)(A) and APC&EC Reg. 6.104(B).

7. What is the purpose of this proposed rule? Why is it necessary? Revisions to 40 C.F.R. §§ 122.21(e)(3), 122.44(i)(1)(iv), 125 Subparts I and J, 127 (e-reporting) and 136.1(c) require an update to the incorporation date of those sections in APC&EC Reg. 6.104. In addition, Acts 94 and 575 of 2015 of the Arkansas General Assembly require revisions to APC&EC Reg. 6.205. Additional changes were made to: (A) Reg.6.103 concerning definitions; (B) Reg.6.105 changing him to him/her; (C) Reg.6.202 clarifying state construction permits, clarifying Ten (10) States Standards requirements, and streamlining the general permitting process; (D) Reg.6.203 correction and clarification concerning small stormwater construction permit; (E) Reg. 6.204 concerning industrial user pretreatment requirements; (F) Reg. 6.206 clarification; (G) Reg. 6.301 clarification and re-wording concerning losing stream and Reg. 6.401; (H) Chapter Six's title has been revised to more accurately describe the chapter's content due to inclusion of Buffalo National River Watershed; and (I) Reg. 6.602 has been revised to include the actual dates that are the effective dates of the regulation statement.

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). http://www.adeq.state.ar.us/regs/draft_regs.htm

9. Will a public hearing be held on this proposed rule? Yes No
If yes, please complete the following:

Date: September 30, 2016

Time: 2:00 P.M.

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

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
Not less than ten (10) days after the public hearing, which will be October 14, 2016.

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

Ten (10) days after filing the final regulation with the Secretary of State, which will be February 15, 2017

12. Do you expect this rule to be controversial? Yes No

If yes, please
explain.

N/A

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.

N/A

Exhibit D:

Financial Impact Statement

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality
DIVISION Water
PERSON COMPLETING THIS STATEMENT Caleb Osborne
TELEPHONE NO. 501-682-0655 **FAX NO.** 501-682-0880 **EMAIL:** osbornec@adeq.state.ar.us

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE 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. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No

- 3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
N/A

- (b) The reason for adoption of the more costly rule;
N/A

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

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

Next Fiscal Year

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

Total \$0 _____

Total \$0 _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue \$0 _____
Federal Funds \$0 _____
Cash Funds \$0 _____
Special Revenue \$0 _____
Other (Identify) \$0 _____

Total \$0 _____

Next Fiscal Year

General Revenue \$0 _____
Federal Funds \$0 _____
Cash Funds \$0 _____
Special Revenue \$0 _____
Other (Identify) \$0 _____

Total \$0 _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0 _____

Next Fiscal Year

\$ 0 _____

Implementing the revised federal rules and clarification/correction of various sections of this regulation is not expected to cause an increase in costs to private entities because permittees were expected to comply with these requirements prior to incorporation. Implementing the revised state rule should result in reduced costs to nonmunicipal domestic sewage treatment works permittees. Changes to the general permit process are expected to reduce costs to facilities.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0 _____

Next Fiscal Year

\$ 0 _____

There is no additional cost to implement changes to this rule.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.