

Exhibit C:

Legislative Questionnaire

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Division of Environmental Quality
DIVISION Office of Water Quality
DIVISION DIRECTOR Robert Blanz
CONTACT PERSON Robert Blanz
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NAME OF PRESENTER AT COMMITTEE MEETING Robert Blanz
PRESENTER E-MAIL blanz@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); Regulation
6.602

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

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

- 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) to make permanent the prohibition of issuance of new permits pursuant to Regulation No. 6 for the operation of certain, defined size of confined animal operations in the Buffalo National River Watershed. It is necessary to protect the existing water quality of the Buffalo National River and the associated tourism and recreational based economy associated with the river.

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). <https://www.adeq.state.ar.us/regs/>

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: August 23, 2019

Time: 2:00 P.M.

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

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

Ten business days from the date of the public hearing, which will be on or about September 3, 2019

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

On or about January 2020

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

If yes, please explain. _____

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.

The Division expects to receive comments from NPDES permittees; the position of NPDES permittee commenters is unknown.

The Division expects to receive comments from residents of the Buffalo National River Watershed, recreational users of the river, and those who own and operate businesses in the watershed. The Division expects broad support for the regulation change. The Division has not identified a group or individual who intend to oppose this rule change, but do acknowledge that such opposition is possible.