

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality  
DIVISION Administration  
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**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

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1. What is the short title of this rule?  
**Regulation No. 9: Permit Fee Regulations**
2. What is the subject of the proposed rule?  
**Revise section 9.402, General Provisions, of Regulation No. 9 to add a section, 9.402(D), for Inactive Status Fees for those swine producers that have a liquid waste disposal permit from ADEQ and are affected by cancellation of their contract to grow hogs.**
3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_\_\_ No XX \_\_\_\_\_  
If yes, please provide the federal regulation and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes X – **and also under A.C.A. § 8-4-202(e)(1), which allows the rule to remain in effect for 180 days.** No \_\_\_\_\_  
If yes, what is the effective date of the emergency rule? October , 2002  
When does the emergency rule expire? April , 2003

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No **X** - It will be promulgated under A.C.A. § 8-4-202

5. Is this a new rule? Yes \_\_\_\_\_ No **XX** If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No **XX** If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 **XX** 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."

**Summary is attached.**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation. Water & Air Pollution Control Act, Act 472 of 1949, as amended, A.C.A. § 8-4-101 and A.C.A. § 8-4-202.

7. What is the purpose of this proposed rule? Why is it necessary?  
**To provide that swine producers that have a liquid animal waste disposal permit from ADEQ and have had their growing contracts cancelled shall not pay an annual fee while the permit is on inactive status which will not exceed two(2) years**

8. Will a public hearing be held on this proposed rule? Yes **X** No \_\_\_\_\_  
If yes, please complete the following:  
Date: **December 2, 2002**  
Time: **2:00 p.m.**  
Place: **ADEQ Building G Commission Room, No. 1 State Police Plaza, Little Rock.**

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **December 16, 2002**

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

**Emergency – October , 2002**  
**Permanent – March 1, 2003**

11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No **XX**

If yes, please explain.

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.  
**Jerry Masters, Arkansas Pork Producers Association (for)**  
**Farm Bureau of Arkansas (for)**