

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 (ADEQ)
DIVISION Office of Water Quality (OWQ)
DIVISION DIRECTOR Caleb Osborne, Associate Director, Office of Water Quality
CONTACT PERSON Caleb Osborne, Associate Director, Office of Water Quality
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72118
PHONE NO. 501-682-0655 **FAX NO.** 501-682-0891 **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? APC&EC Regulation No. 9: Fee Regulation
2. What is the subject of the proposed rule? Regulation 9 contains provisions related to the assessment and regulation of fees.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
Acts 94 and 575 of 2015 concerning contribution fees to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund, codified at Ark. Code Ann. § 8-4-203
- If yes, please provide the federal rule, regulation, and/or statute citation. Ann. § 8-4-203
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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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. §§ 8-4-201 and 8-4-202.

7. What is the purpose of this proposed rule? Why is it necessary? (A) Amend the definitions: The definition of "Q" or "Quantity" was added for clarification because it is used in formulas in Chapter 4 concerning the calculation of water permit fees; (B) Amend Chapter 4 Formulas for Clarification: Clarification to formulas in Chapter 4 concerning water permit fees to make the regulation easier to understand; (C) Incorporate a proposed fee calculation for minor municipal and non-municipal facilities with National Pollutant Discharge Elimination System (NPDES) permits under Reg.9.403 for limits of toxic pollutants based solely on Total Maximum Daily Load (TMDL) to allow ADEQ to assess lower water permit fees for qualifying facilities; (D) Update the fee schedule in Chapter 4 to reflect permits currently offered by the Office of Water Quality and eliminate four (4) General Permits under Reg.9.404 no longer issued by the Office of Water Quality; (E) Incorporate Updates to Arkansas Law: Acts 94 and 575 of 2015 were enacted by the Arkansas General Assembly and require revisions to Chapter 4 concerning contribution fees to the Nonmunicipal Domestic Sewage Treatment Works Trust Fund; and (F) To make minor, non-substantive stylistic and formatting corrections throughout the 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). 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: October 18, 2016

Time: 10:00 a.m.
Arkansas Pollution Control & Ecology

Place: Commission Meeting Room

Arkansas Department of
Environmental Quality (ADEQ)
5301 Northshore Drive, North Little
Rock, AR 72118

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

Ten (10) business days after the public hearing, which will be November 1, 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 March 2, 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
