

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

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

**DIVISION** Mining Division

**DIVISION DIRECTOR** James F. Stephens, P.G.

**CONTACT PERSON** James F. Stephens, P.G.

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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? The Arkansas Open-Cut Mining and Reclamation Code.
- 2. What is the subject of the proposed rule? Regulations for the reclamation of affected land after mining operations have been completed.
- 3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_\_\_ No X  
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 \_\_\_\_\_ No X  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_  
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 X If yes, please provide a brief summary explaining the regulation.

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 Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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

A.C.A. 15-57-301 et seq. (specifically Act 885 of 2005)

7. What is the purpose of this proposed rule? Why is it necessary?  
The purpose of the propose rule is to comply with Act 885 of 2005 which requires the Commission to promulgate revisions to the regulation prior to the issuance of any general permits.

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

Date: November 3, 2005

Time: 2:00 p.m. to 3:00 p.m.

Place: ADEQ Building D Training Room,

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
November 17, 2005

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
No later than February 20, 2005

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

Arkansas Audubon (Position Unknown)

Arkansas Association of General Contractors (For)

Arkansas Independent Excavators and Dump Truckers Association (For)