

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

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

**DIVISIONS:** Mining Division

**DIVISION DIRECTOR:** James F. Stephens, Division Chief, Mining Division

**CONTACT PERSON:** James F. Stephens, Division Chief, Mining Division

**ADDRESS:** ADEQ; 5301 Northshore Drive, North Little Rock, AR, 72118

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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 Land Reclamation Code
- 2. What is the subject of the proposed rule? This rule provides the regulations for the administration and enforcement of the Arkansas Open-Cut Land Reclamation Act (A.C.A. 15-57-301 *et seq.*).
- 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 \_\_\_\_\_

## EXHIBIT B

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 Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.*
7. What is the purpose of this proposed rule? Why is it necessary? The purpose of this rule is to incorporate action of the State Legislature to amend A.C.A. 15-57-301 *et seq.* by the passage of Act 609 of 2011. Additional minor changes are being proposed to further clarify the rule. The two appendices are being deleted with appropriate references to the Pollution Control and Ecology Commission's regulation on water quality (Regulation No. 2).

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

<u>Date/Time</u>	<u>Location</u>
April 5, 2012/ 2:00 pm	Commission Room ADEQ Headquarters 5301 Northshore Dr., NLR, AR 72118

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
April 15, 2012
10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
Final promulgation of the rule is anticipated on June 22, 2012. The rule will become effective 10 days after filing with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research, which is anticipated to be June 29, 2012.
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 Environmental Federation  
Friends of the White River  
Arkansas Chapter of the Associated General Contractors