

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality

DIVISION Water Division

DIVISION DIRECTOR Martin Maner, Chief

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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**

What is the short title of this rule? Regulation 17: Arkansas Underground Injection Control Code

2. What is the subject of the proposed rule? Underground Injection Control

3. Is this rule required to comply with federal statute or regulations? Yes X No _____

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

40 CFR Parts 124, 144, 145, and 146. The underground injection control program is delegated to the State of Arkansas by EPA and administered pursuant to A.C.A. § 8-4-101 et seq., and this Regulation 17.

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? _____

EXHIBIT B

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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. § 8-4-101 et seq.

7. What is the purpose of this proposed rule? Why is it necessary? The purpose of this regulation is to adopt underground injection control regulations necessary to qualify the State of Arkansas to retain authorization for its Underground Injection Control Program pursuant to the Safe Drinking Water Act of 1974, as amended; 42 USC 300f et seq. In order to retain program authorization, it is necessary for the Arkansas Pollution Control and Ecology Commission to have regulations as stringent as the federal program administered by the United States Environmental Protection Agency. Federal revisions of 40 C.F.R. Parts 144, 145, and 146, addressing Class V Underground Injection Control Wells, were published by the United States Environmental Protection Agency on December 7, 1999, and become effective April 5, 2000. The purpose of the federal revision was to prevent the contamination of underground sources of drinking water by limiting injection of wastes through Class V wells. These revisions added requirements for two subcategories of Class V wells: large-capacity cesspools and motor vehicle waste disposal wells. The Department proposes this rulemaking primarily to incorporate the federal regulatory changes into Regulation 17.

8. Will a public hearing be held on this proposed rule? Yes X No _____

If yes, please complete the following:

Date: October 19, 2004

Time: 2:00 p.m.

Place: Building D Training Room, ADEQ, 8001 National Drive, Little Rock, Arkansas 72209

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

10 business days after the date of the public hearing; on or about November 2, 2004

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

EXHIBIT B

December 31, 2004

11. Do you expect this rule to be controversial? Yes _____ No X If yes, please explain.

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 (unknown).