

Exhibit D:

Copy of the Legislative Questionnaire

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Department of Energy and Environment
DIVISION Office of Chief Counsel
DIVISION DIRECTOR Shane Khoury
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NAME OF PRESENTER AT COMMITTEE MEETING Michael Grappe
PRESENTER E-MAIL grappem@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
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
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. 27

2. What is the subject of the proposed rule? LICENSING OF OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES AND TRAINING AND CERTIFICATION REQUIREMENTS FOR ENVIRONMENTAL OFFICERS

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

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

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? _____

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 If yes, please provide a brief summary explaining the rule.

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 Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

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."

The Arkansas Division of Environmental Quality (DEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission amending Regulation No. 27: Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers, in order to promulgate the mandated necessary rules for DEQ's administration of the Environmental Compliance Resource Program and the licensing of environmental officers. The Commission's authority to amend Regulation No. 27 to address these changes is found in Arkansas Code Annotated §§ 8-6-2006 and 8-6-2007(a). DEQ further proposes to initiate this rulemaking to comply with Arkansas law that repeals the duties and powers of illegal dumps control officers; to incorporate statutory changes from Act 1067 of 2019 passed by the Arkansas General Assembly; and to promulgate necessary forms to be used by environmental officers.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

Ark. Code Ann. §§ 8-6-2001 et seq. and 8-6-901 et seq.

7. What is the purpose of this proposed rule? Why is it necessary?

The Arkansas Division of Environmental Quality (DEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission to Regulation No. 27: Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers, in order to promulgate the mandated necessary rules for DEQ's administration of the Environmental Compliance Resource Program and the licensing of environmental officers. The Commission's authority to amend Regulation No. 27 to address these changes is found in Arkansas Code Annotated §§ 8-6-2006 and 8-6-2007(a).

DEQ further proposes to initiate this rulemaking to comply with Arkansas law that repeals the duties and powers of illegal dumps control officers; to incorporate statutory changes from Act 1067 of 2019 passed by the Arkansas General Assembly; and to promulgate necessary forms to be used by environmental officers.

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).

https://www.adeg.state.ar.us/regs/draft_regs.aspx

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

Date: March 9, 2020

Time: 10:00 a.m.

Place: Commission Room, DEQ Headquarters, 5301 Northshore Drive, North Little Rock, AR 72118

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

Ten business days from the date of the public hearing, which will be on or about March 23, 2020.

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

July 9, 2020

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. Not required because the APC

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). Not required because the APC&E

14. 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.