

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Hazardous Waste Division
DIVISION DIRECTOR Clyde E. Rhodes, Jr.
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NAME OF PRESENTER AT Ryan Benefield, Deputy Director
COMMITTEE MEETING
PRESENTER E-MAIL benefield@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
Room 315, State Capitol
Little Rock, AR 72201

1. **What is the short title of this rule?**

APC&EC Regulation No. 30, 2011 Annual Update

2. **What is the subject of the proposed rule?**

Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List

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

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 XX

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 XX

5. Is this a new rule? Yes _____ No XX If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No XX If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 XX 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."**

A marked-up version of the regulation is attached at Exhibit "A" to the rulemaking packet. A site-by-site summary is attached at Exhibit "G" to the rulemaking packet.

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

Arkansas Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-509.

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

This proposed revision would delete five (5) sites where cleanup has been completed, and add one (1) site for investigation and potential remediation. Ark. Code Ann. § 8-7-509(f) requires an annual review and update of sites on the State Priority List.

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/drafts/draft_regs.htm

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

Date: January 9, 2012

Time: 2:00 p.m.

Place: In the Commission Room at the Department headquarters at 5301 Northshore Drive, North Little Rock.

10. When does the public comment period expire for permanent promulgation? January 24, 2012, 4:30 p.m.

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
May 2012 (10 business days following filing of the rulemaking decision with the office of the Secretary of State, after the April, 2012 APC&E Commission meeting)

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

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.

NAMES, ADDRESSES, & PHONE NUMBERS	FOR	AGAINST
Arkansas Environmental Federation, 1400 W. Markham Street, Suite 302, Little Rock, AR 72201, (501) 374-0263	X	