

# **Exhibit C:**

## **Legislative Questionnaire**

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

**DEPARTMENT/AGENCY** Arkansas Department of Environmental Quality (ADEQ) by and through the Arkansas Pollution Control and Ecology Commission (APC&EC)

**DIVISION** Office of Land Resources (OLR)

**DIVISION DIRECTOR** Kevin White, Associate Director

**CONTACT PERSON** Tammie Hynum, Senior Operations Manager

**ADDRESS** 5301 Northshore Drive, North Little Rock, Arkansas

**PHONE NO.** 501-682-0831 **FAX NO.** 501-682-0565 **EMAIL** Hynum@adeq.state.ar.us

**NAME OF PRESENTER AT COMMITTEE MEETING** Tammie Hynum

**PRESENTER EMAIL** Hynum@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  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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1. What is the short title of this rule? Regulation No. 30: Remedial Action Trust Fund Hazardous Substance Site Priority List
2. What is the subject of the proposed rule? ADEQ proposes this rulemaking before the APC&EC to incorporate state law changes to update the Arkansas Remedial Action Trust Fund Hazardous Substances Priority List; amend; the Remedial Action trust Fund Act to allow the state to fund site assessments at abandoned industrial, commercial and agricultural sites or residential properties for written requests from quasi government agencies, county government, school districts, and planning and development districts; and allow ten percent (10%) of moneys collected for the Hazardous Substance Remedial Action Trust Fund to be used for conducting site assessments of potentially contaminated sites, not to exceed five hundred thousand dollars (\$500,000), including but without limitation to Act 1073 of 2017.
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. Not applicable

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?

Not applicable

When does the emergency rule expire? Not applicable

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 regulation. \_\_\_\_\_

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."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-501 et seq.

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

The proposed amendments to the regulation include the following:

- **Sites Proposed for Deletion from the State Priority List:** In Chapter 3, two (2) sites are proposed to be deleted from those currently listed because site investigation and necessary remedial activities have been completed and the sites no longer pose a potential unacceptable risk to human health or the environment from hazardous substances defined under the Remedial Action Trust Fund Act. The sites proposed for delisting are:

- (1) Star Starett/Leer Mfg, Dumas, Desha County; and
- (2) Value Line, Arkadelphia, Clark County.

- **Brownfield Assessment Funding:** A new Chapter 4 was added to address Act 1073 and the use of assessment grants for potentially contaminated sites for the facilitation of economic development and environmental improvement. Act 1073 authorizes the use of ten percent (10%) of the moneys collected for the Hazardous Substance Remedial Action Trust Fund to be used for conducting site assessments of potentially contaminated sites under certain conditions.

- **Minor revisions** to include correcting typographical, grammatical, formatting, and stylistic errors.

There are no sites proposed for addition to the State Priority List and no changes to the National Priority List Sites.

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). [www.adeq.state.ar.us/regs/draft\\_regs.aspx](http://www.adeq.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: December 4, 2017  
Time: 10:00 a.m.  
Place: Commission Room  
ADEQ Headquarters  
5301 Northshore Drive  
North Little Rock, AR 72118

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
The public comment period expires on December 18, 2017. However, after the public comment period, the regulation must be reviewed by the Legislative Committees and the APC&EC must adopt the final regulation. The earliest estimated time for APC&EC adoption is April 2018, with the effective date being ten (10) days after the APC&EC files with the Secretary of State, approximately May 2018.

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

May 2018

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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. The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of "agency" under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). However, laws concerning the promulgation of regulations by the APC&EC do require public notice, and a copy is attached.

13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e). The Arkansas Pollution Control and Ecology Commission (APC&EC) is exempt from the definition of "agency" under the Administrative Procedure Act. (See Ark. Code Ann. § 25-15-202(2)(C)). Filing with the Secretary of State does not occur until after legislative review and final adoption by the APC&EC.

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. None anticipated.