

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

DEPARTMENT/AGENCY           ADEQ            
DIVISION           WATER            
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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? Regulation Establishing Water Quality Standards for the Surface Waters of the State of Arkansas
- 2. What is the subject of the proposed rule?  
Amendments to the Water Quality Standards
- 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. – Federal Water Pollution Control Act, (a.k.a. “Clean Water Act”) 33 U.S.C. § 1251 et seq. This program is delegated to the State of Arkansas and is administered pursuant to the Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq.

- 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?   N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

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 Yes \_\_\_\_\_ No  If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 Arkansas Code citation. Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-101 et seq.

7. What is the purpose of this proposed rule? Why is it necessary?  
To amend the Water Quality Standards to maintain and protect the quality of the waters of the State.

8. Will a public hearing be held on this proposed rule? Yes  No \_\_\_\_\_

If yes, please complete the following:

Date: Beginning week of January 4, 2004

Time: To be announced via public notice

Place: Mountain Home, Fayetteville, Jonesboro, Little Rock, Magnolia and Monticello.

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

10 working days after last public hearing; on or about February 9, 2004

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

April 15, 2004

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

It is possible this rulemaking will be controversial, regarding designated "Extraordinary Resource Waters" and changes to the phosphorus nutrient criteria. Although ADEQ is not adding any new ERWs, and ADEQ has made some clarification regarding its intent for ERWs, comments are expected. ADEQ has been working diligently since 2001 with interested stakeholders and a working group, which included members of the regulated community, such as AEF, to consider and incorporate their concerns prior to initiation of rulemaking.

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.

AEF—UNKNOWN  
IMPACTED CITIES—UNKNOWN  
STATE OF OKLAHOMA—UNKNOWN  
STATE OF MISSOURI—UNKNOWN