

EXHIBIT M

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

DEPARTMENT/AGENCY Arkansas Department of Health
DIVISION Environmental Health / Plumbing Section
DIVISION DIRECTOR Bob Higginbottom, Plumbing Program Director
CONTACT PERSON Bob Higginbottom
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NAME OF PRESENTER AT COMMITTEE MEETING Bob Higginbottom
PRESENTER E-MAIL robert.higginbottom@arkansas.gov

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? Rules and Regulations Pertaining to State Plumbing Code

2. What is the subject of the proposed rule? To amend several sections of the 2006 State Plumbing Code for the purpose of reducing lead in drinking water and to comply with the Federal Safe Drinking Water Act

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.

Section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g-6)

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 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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

A.C.A. 17-38-101

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

To comply with federal law that reduces the amount of lead in drinking water

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.healthyarkansas.com

9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

Date: 4-15-13

Time: 1 PM to 2 PM

Place: Arkansas Department of Health Auditorium , 4815 W. Markham St., Little Rock, Arkansas

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

4-15-13

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

December 2, 2013

12. Do you expect this rule to be controversial?

Yes

No

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.

none known

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Departments of Health
DIVISION Environmental Health / Plumbing Section
PERSON COMPLETING THIS STATEMENT Bob Higginbottom
TELEPHONE NO. 501-661-2647 **FAX NO.** 501-661-2671 **EMAIL:** robert.higginbottom@arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules and Regulations Pertaining to the State Plumbing Code

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

<u>Current Fiscal Year</u>		<u>Next Fiscal Year</u>	
General Revenue	_____	General Revenue	_____
Federal Funds	_____	Federal Funds	_____
Cash Funds	_____	Cash Funds	_____
Special Revenue	<u>\$1,500</u>	Special Revenue	_____
Other (Identify)	_____	Other (Identify)	_____
Total	<u>\$1,500</u>	Total	<u>0</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
\$ <u>0</u>	\$ <u>0</u>

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

<u>Current Fiscal Year</u>	<u>Next Fiscal Year</u>
\$ <u>\$1,500</u>	\$ <u>0</u>

This proposed rule is a national standard; therefore, there has been no cost associated with its development. There will be some costs with copying, public hearing notification, and administrative processing. It is estimated the overall cost to implement this proposed rule will be under \$1,500.

Summary of Proposed Changes to the 2006 Arkansas State Plumbing Code Regarding Lead Free Plumbing

Currently, federal safe drinking water law allows plumbing pipes, fittings, and fixtures that carry drinking water to have as much as 8 percent lead. However, as a result of changes in the federal safe drinking water act in January 2011, the standard will change so that the wetted surface of such plumbing potable water pipes and fittings cannot contain more than a weighted average of 0.25% lead. The effective date of this new federal law is January 2014. Because of this, it is necessary to modify several sections of the state plumbing code to address the 0.25% requirement of the safe drinking water act.

Please find attached copies of the pages of the plumbing code that are being proposed for change.

- Page 11 – Definitions
- Page 30 - Section 605.2
- Page 48.1 – Section 615