

EXHIBIT H

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 / Engineering Section
DIVISION DIRECTOR Jeff Stone, Engineering Section Director
CONTACT PERSON Jeff Stone
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AR 72205 - 3867
PHONE NO. 501-661-2623 FAX NO. 501-661-2032 E-MAIL jeffery.stone@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jeff Stone
PRESENTER E-MAIL jeffery.stone@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 Public Water Systems

To amend section VII.G. of the Regulations in order to specify the National Sanitation Foundation product certifications required in order to ensure that components utilized in public water systems meet the revised federal definition of "lead free". Also, to redate the regulations so that more recent modifications to the federal Safe Drinking Water Act can be adopted by reference (Revised Total Coliform Rule published on February 13, 2013).

2. What is the subject of the proposed rule?

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), 40 CFR parts 141, 142

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.

7. What is the purpose of this proposed rule? Why is it necessary?
To specify the product certifications required to document compliance with the revised federal "lead free" restrictions for drinking water system components and to adopt by reference the federal Revised Total Coliform Rule.

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: 10-18-13
10 AM to 12

Time: noon

Place: Room 902, Freeway Medical Tower , 5800 West 10th Street, Little Rock, Arkansas 72204

10. When does the public comment period expire for permanent promulgation? (Must provide a date.) 10-18-13

11. What is the proposed effective date of this proposed rule? (Must provide a date.) February 24, 2014

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 / Engineering Section
PERSON COMPLETING THIS STATEMENT Jeff Stone
TELEPHONE NO. 501-661-2623 **FAX NO.** 501-661-2032 **EMAIL:** jeffery.stone@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 Public Water Systems

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.

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue \$1,500
Other (Identify) _____
Total \$1,500

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total 0

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.

Current Fiscal Year

Next Fiscal Year

\$ 0

\$ 0

The brass and bronze suppliers to the waterworks industry have already transitioned to the additional certifications required to document compliance with the revised "lead free" requirements. Also, the Revised Total Coliform Rule embodies technical changes that is not expect to result in measurable changes in costs to the regulated community.

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.

Current Fiscal Year

Next Fiscal Year

\$ \$1,500

\$ 0

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.



Arkansas Department of Health

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Governor Mike Beebe

Nathaniel Smith, MD, MPH, Interim Director and State Health Officer

SUMMARY OF PROPOSED REGULATION CHANGES: ARKANSAS DEPARTMENT OF HEALTH'S RULES AND REGULATIONS PERTAINING TO PUBLIC WATER SYSTEMS

The Engineering Section of the Arkansas Department of Health administrates primacy for the federal Safe Drinking Water Act in the state of Arkansas and also oversees compliance with the Arkansas Department of Health's Rule and Regulations Pertaining to Public Water Systems. The Rules and Regulations Pertaining to Public Water Systems enable the Arkansas Department of Health to enforce Safe Drinking Water Act requirements in the state of Arkansas. The Engineering Section is proposing two changes to these regulations. These proposed changes are discussed below.

First, on February 13, 2013, the federal government published the Revised Total Coliform Rule (40 CFR parts 141,142). This rule is a modification to the federal Safe Drinking Water Act. In order for the Engineering Section of the Arkansas Department of Health to acquire primacy for the Revised Total Coliform Rule the Arkansas Department of Health's Rules and Regulations Pertaining To Public Water Systems must be dated later in time than the publication date of the federal rule. This process of regulation change will re-date the regulations and enable the Engineering Section of the Arkansas Department of Health to apply for and obtain primacy for this rule.

Second, on January 4, 2011, Congress passed Public Law 111-380 titled "Reduction of Lead in Drinking Water Act". This law modified the Safe Drinking Water Act and changed the requirements pertaining to "lead free" materials and components utilized in drinking water systems. The requirements of 111-380 become effective on January 4, 2014. Water system materials and components that comply with the requirements of 111-380 will be certified according to the National Sanitation Foundation Standard 61, Annex G or National Sanitation Foundation Standard 372. The Engineering Section of the Arkansas Department of Health proposes to modify *Section G. Approved Chemicals, Materials, Equipment, and Processes* to incorporate the product certification necessary to comply with the new "lead free" requirements. Attached to this summary is a copy of the regulations with proposed language underlined.

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Director, Engineering Section
Arkansas Department of Health

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