

# EXHIBIT F

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality  
DIVISION Water Division  
DIVISION DIRECTOR Ryan Benefield, P.E., ADEQ Deputy Director  
CONTACT PERSON Ellen Carpenter, Chief, ADEQ Water Division  
ADDRESS 5301 North Shore Drive, N. Little Rock, AR 722118  
PHONE NO. (501) 682-0960 FAX NO. (501) 682-0891 E-MAIL benefield@adeq.state.ar.us  
NAME OF PRESENTER AT COMMITTEE MEETING Teresa Marks, ADEQ Director  
PRESENTER E-MAIL marks@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. 6: Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)
2. What is the subject of the proposed rule? Implementation of Act1511 of 2013
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
The regulation must comply with the regulations promulgated thereunder. Additionally, the proposed changes are made in accordance with Act 1511 of 2013.  
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   
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

5. Is this a new rule? Yes  No

If yes, please provide a brief summary explaining the regulation. Public Notice Requirements for Arkansas CAFO General Permit ARG590000

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If yes, a copy of the repealed rule is to be included with your completed questionnaire.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. The Arkansas Water and Air Pollution Control Act, Ark. Code. Ann. § 8-4-101 et seq., including but not limited to Ark. Code Ann. § 8-4-202, including new provisions included in Act 1511 of 2013.

7. What is the purpose of this proposed rule? Why is it necessary? Act 1511 of 2013 formed a committee that made recommendations to the Arkansas Legislative Council for updating the public notice requirements for proposed Concentrated Animal Feeding Operations (CAFO) seeking coverage under the NPDES general permit for CAFO. Those changes are incorporated into this regulation. As APC&EC Regulation No. 6 is the regulation governing the development and issuance of NPDES permits by ADEQ, this regulation should be amended to incorporate and fully implement the recommendations developed pursuant to Act 1511 of 2013.

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). After initiation of the rulemaking process by the Arkansas Pollution Control and Ecology Commission, the proposed rule and all related documents, including this form, will be available here: [http://www.adeg.state.ar.us/regs/drafts/draft\\_regs.htm](http://www.adeg.state.ar.us/regs/drafts/draft_regs.htm)

9. Will a public hearing be held on this proposed rule? Yes  No

If yes, please complete the following:

Date: July 14, 2014

Time: 2:00 p.m.

Place: ADEQ Headquarters

Commission Room,  
5301 Northshore Drive  
North Little Rock, AR 72118

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

4:30 p.m. July 28, 2014.

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

October 24, 2014.

12. Do you expect this rule to be controversial?    Yes     No

If yes, please  
explain.

N/A

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.

N/A

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

DEPARTMENT Arkansas Department of Environmental Quality  
DIVISION Water Division  
PERSON COMPLETING THIS STATEMENT Ryan Benefield, ADEQ Deputy Director  
TELEPHONE NO. (501) 682-0960 FAX NO. (501) 682-0891 EMAIL: benefield@adeq.state.ar.us

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes  No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes  No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;  
Not applicable.
- (b) The reason for adoption of the more costly rule;  
Not applicable.
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
Not applicable.
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
Not applicable.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total 0

Total 0

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total 0

Total 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0

\$ 425.92

Revisions to the public notice requirement will result in additional costs to the permittee. Based on the requirements being proposed the permittee will be responsible for the following costs not previously required. Providing written notice by certified mail with return receipt costs approximately \$6.48 for each letter. The number of property owners adjacent to the CAFO will vary for each permit, but a minimum of four letters would be necessary resulting in a cost of \$25.92. A one-time public notification in the local paper would vary from \$150 to \$250, depending on the paper being used for publication. The preparation of a 2 x 3 foot sign containing public notification requirements will result in an additional cost of \$150.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0

\$ 0

There is no cost anticipated by state, county or municipal government.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.