

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

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

Exhibit C

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

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

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

Answers to BLR Questionnaire

Question 7:

The Pollution Control and Ecology Commission is given the power to adopt, modify, or repeal rules implementing substantive statutes charged to the Division of Environmental Quality (“DEQ”) for administration. See Ark. Code Ann. §§ 8-1-203 and 8-5-205. Pollution Control and Ecology Commission rules are necessary for DEQ to implement Arkansas’ environmental laws and the environmental programs delegated to the State of Arkansas by the responsible federal agencies.¹

The repeal of two rules would jeopardize DEQ’s ability to implement Arkansas’ environmental laws and Arkansas’ ability to maintain environmental programs delegated to the State of Arkansas. The loss of a rule that implements Arkansas’ environmental laws would eliminate protections provided to the citizens of Arkansas by Arkansas’ environmental laws. In some cases, that loss could impact Arkansas’ ability to implement its federally delegated environmental programs. If that happened, EPA could become the regulatory authority administering that program in Arkansas.

Pursuant to Ark. Code Ann. § 8-5-207, DEQ is charged with licensing and certifying as competent all operators in responsible charge of public or private wastewater treatment plants in the State of Arkansas. The Pollution Control and Ecology Commission is charged with promulgating the rules for licensing wastewater treatment operators. Ark. Code Ann. §§ 8-1-203 and 8-5-205. This rulemaking is to update the rules for licensing wastewater treatment operators, which are codified in Title 8, Part 22 of the Code of Arkansas Rules (8 CAR pt. 22). Without this rule, DEQ will not be able to implement Arkansas’ the licensing program for wastewater treatment operators.

Question 11:

The proposed revisions to the rule for Licensing of Wastewater Treatment Operators, codified as 8 CAR pt. 22, are necessary to comply with Act 294 of 2025. The proposed revisions also necessary because the current rule’s classifications wastewater treatment systems and their components are outdated. Specifically, the proposed revisions update the rating points used for the classification of municipal wastewater treatment plants to include and differentiate modern treatment components. The classification of municipal wastewater treatment plant corresponds to the facility operator classification requirements for a wastewater treatment plant. These additions and changes to the rating points better reflect the relative complexity of various treatment components that make up a system.

¹ Arkansas’s environmental laws authorize DEQ to maintain and implement those environmental programs that have been delegated to the State of Arkansas by the responsible federal agencies.

These changes are not intended to change the classifications for most wastewater treatment plants. However, in some instances the complexity of the treatment components may require a higher operator license classification. If the facility operator classification requirements for a wastewater treatment plant change, the facility will be allowed three (3) years from the effective date of the revised rule to allow the operators to acquire the higher operator license classification. Upon written request with sufficient justification, DEQ may adjust the facility operator classification requirements for a wastewater treatment plant that has changed as a result of these revisions.

Question 18:

DEQ expects to receive comments from individuals and entities that provide training to wastewater operators and from wastewater operators. DEQ expects that most of these comments will be positive; however, it is possible that some individuals could object.

DEQ has not identified a group or individual who intends to oppose this rule change, but acknowledges that such opposition is possible.

DEQ will have an opportunity to address any concerns raised during the public comment period.