

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality  
DIVISION Hazardous Waste Division  
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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?  
  
Environmental Professional Certification
  
- 2. What is the subject of the proposed rule?  
  
To establish and administer the Environmental Site Assessment Consultant and Hazardous Substance Response Contractor Certification Program for Response Action Contractors and Environmental Site Assessment Consultants.
  
- 3. Is this rule required to comply with federal statute or regulations? Yes \_\_\_\_\_ No X  
  
If yes, please provide the federal regulation and/or statute citation.
  
- 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? \_\_\_\_\_

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.

This regulation requires persons who perform Phase I environmental site assessments, comprehensive site assessments pursuant to the Arkansas Hazardous Waste Management Act, Remedial Action Trust Fund Act, or Voluntary Cleanup Act; and response actions pursuant to the Arkansas Hazardous Waste Management Act, Remedial Action Trust Fund Act, or Voluntary Cleanup Act to become certified. This regulation establishes the criteria and procedures for becoming certified and maintaining certification.

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.

Act 2141 of 2005, Arkansas Code Annotated 8-7-1301 et seq.

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

The purpose of this rule is to comply with Act 2141 of 2005 which requires the Commission to adopt regulations for the administration and implementation of a certification program for contractors and consultants. This regulation will help ensure that environmental work performed by environmental professionals is conducted in a manner that is protective of human and health and the environment and helps protect the persons that contract the services of these environmental professionals.

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

If yes, please complete the following:

Date: May 10, 2006

Time: 2:00 pm

Place: Building D Training Room, 8101 Interstate 30, Little Rock, AR 72209

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

4:30 pm on May 24, 2006

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

September 2006

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

Arkansas Environmental Federation (For)

Arkansas Board of Registration for Professional Geologists (For)

Arkansas State Board of Registration for Professional Engineers and Land Surveyors (For)

State of Arkansas Contractor's Licensing Board (Unknown)

Arkansas Realtors Association (For)

Certified Commercial Investment Members (For)

Persons Subject to this Regulation (Unknown)