

1. No rule or regulation shall be adopted, amended or repealed by the Commission except after a public hearing. The public hearing shall be held at such time, place and in such manner as may be prescribed by the Commission, or Director, and any person having any interest in the subject matter of the hearing shall be entitled to be heard.

2. Not less than thirty (30) days prior to a public hearing, or at such time as specific rules or regulations may require, the Commission or the Director shall publish notice of such hearing in one or more newspapers of general daily statewide circulation, or in cases of proposed rules affecting only certain areas of the state, the Commission or the Director may publish notice of such hearings in one or more newspapers of general circulation within the affected areas, and shall mail such notice to a contact list of all persons who have requested advance notice of rule-making proceedings. Such notice shall set forth the time and place of the public hearing, contain a general statement of the terms or substance of the proposed rule or regulation, invite the submission of written or oral comments by any person, and state the place or places where copies of the proposed rule or regulation may be examined. Material will be available for review at the Department and in the depositories at least thirty (30) days prior to a hearing.

3. Except as provided herein, the period for written public comment shall begin on the day that a public notice for a hearing appears in the paper and extend ten (10) days beyond the date of the public hearing. If the tenth day after the hearing falls on a Saturday, Sunday, legal state holiday, or on a day when the Department's central office is closed for other reasons, the deadlines for receiving written comment will be extended to the next working day.

4. Consideration of oral comments will be limited to those made at the public hearing. Consideration of written comments will be limited to those filed no later than ten (10) days after the public hearing, or within such other time as provided below.

5. The Commission's Hearing Officer may continue a public hearing until all persons wishing to make comment have been heard. An extension of the period for written public comment of up to twenty (20) additional days may be granted if such extension was announced in the public notice for such hearing or was announced during the hearing. In the event that the Commission or the Commission's Hearing Officer determines that substantial changes to the proposed rule or regulation are necessary, another public hearing will be scheduled as provided above to provide opportunity for the public to comment on any proposal incorporating said change.

COMMISSIONERS

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Jim Branks SUBMITTED BY: Southall DATE PASSED: 7/24/81

6. At any time during a hearing the Commission's Hearing Officer may determine not to receive additional oral comments at that hearing if the Commission finds that additional comments would not serve a useful purpose or would be repetitious or unduly time consuming. Except that persons notifying the Director, of their desire to speak, in writing prior to the hearing shall be heard.
7. The Hearing Officer will be the Chairman of the Commission or his designee.
8. The Commission may reduce or waive the hearing notice requirement in emergency situations where the Commission determines that there is an imminent danger to public health or that the public interest otherwise so requires.
9. Once the period for public comment, as required by statute or regulation for a permit, has elapsed, no additional comments will be accepted prior to the Commission's action on said permit; provided that any Commissioner may ask for clarification of any issues raised during the comment period from the applicant or the person who raised such issue during the comment period and a transcribed copy of such statement shall be made a part of the record of the permit proceedings during the Commission meeting when the application is acted upon; and provided further that this policy may be suspended during the Commission's consideration of any permit by a 2/3 vote of the Commission.
10. These regulations shall not apply to comments or recommendations on any issue made by the Department staff to the Commission.

This policy will become effective

July 24, 1981

COMMISSIONERS

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Jim Brooks

SUBMITTED BY: _____

DATE PASSED: _____

PROMULGATED this 24th day of July, 1981,
By ORDER OF THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

By *Jim Brooks*
Chairman

ATTEST:

Jarrell E. Southall
Jarrell E. Southall
Director

APPROVED:

Frank White
Frank White, Governor
State of Arkansas