

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT Petition to
Initiate Rulemaking to Amend
Regulation No. 8,
Administrative Procedures

MINUTE ORDER NO. 95-36

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On May 16, 1995, the Staff of the Arkansas Pollution Control and Ecology Commission ("Staff") filed a Petition to Initiate Rulemaking to Amend Regulation No. 8 ("Petition"). The Petition is designated as Docket No. 95-005-R.

The Regulations Committee met on May 26, 1995, to review the Petition. Having considered the Petition, the Regulations Committee recommends the Commission initiate a rulemaking proceeding to consider adopting the proposed revisions to Regulation No. 8. The Regulations Committee also recommends adoption of the following procedural schedule so consideration of this matter may proceed efficiently and orderly:

1. Staff and the Arkansas Department of Pollution Control and Ecology ("Department") shall file with the Commission Secretary an original and fourteen (14) copies of all comments, briefs, or other materials required under this Minute Order. They shall serve the other with the material filed.

2. Persons other than Staff and the Department shall submit their written comments and supporting materials to the Department's Public Affairs Office. Within five (5) business days following the period for filing written comments, the Department shall deliver the tapes of oral comments and all written comments to the Commission Secretary.

3. The Public Affairs Office shall prepare a public notice for use in mailing to interested persons and for publishing in a newspaper of general circulation. The Department shall be responsible for publishing the public notice in the newspaper by Monday, June 12, 1995. The Department shall be responsible for mailing the public notice to all persons who have requested advance notice of rulemaking proceedings and for all publication and mailing costs.

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4. Staff shall submit to the Department's Public Affairs Office by Tuesday, June 6, 1995, sixty-five (65) copies of an executive summary of the proposed rulemaking and eight (8) bound copies of the Petition and attachments.

5. Staff shall file written comments on the proposed amendments to Regulation No. 8 by Tuesday, June 6, 1995. It shall list the name of each person sponsoring and answering questions about each set of comments filed.

6. The Department shall file its written comments supporting, opposing, or seeking modification of the proposed rule and all reasons on which it relies for its position by Wednesday, July 12, 1995. The Department shall list the name of the person sponsoring each set of comments filed.

7. A public hearing shall be conducted Wednesday, July 19, 1995, at the Department. The Department's Public Affairs Office shall decide the exact time and location of the public hearing.

8. The period for receiving all written comments from the public and any supplemental comments from Staff and the Department shall conclude ten (10) business days after the date of the public hearing pursuant to Regulation No. 8, Section 3.2.3.

9. Staff shall, and the Department and any other person may, file by Monday, August 21, 1995, a Statement of Basis and Purpose as required by Regulation No. 8, Section 3.6.2.

10. Staff shall, and the Department and any other person may, by Monday, August 21, 1995, file a proposed Minute Order deciding this matter.

11. The Regulations Committee, at its September monthly meeting, shall consider the record in this matter, may ask questions of the sponsors of written or oral comments, and make a recommendation to the Commission.

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12. The Commission will consider this matter at its regularly scheduled September meeting.

- a. The Chairman shall permit members of the public to make a statement to the Commission. No more than three (3) minutes will be allowed for each statement. The public comment period will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. The Chairman in his discretion, may extend the one (1) hour public comment period.
- b. At the discretion of the Chairman, an attorney representing one or more individuals, a corporation or other legal entity may be permitted five (5) minutes in which to address the Commission.
- c. At the conclusion of all comments, the Chairman will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring comments who are present, any questions they may have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

After each Commissioner has had an opportunity to ask questions, the Chairman will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

13. The Commission authorizes the Regulations Committee, in consultation with the Chairman, to revise, as necessary, the procedures and schedule set out above.

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The Commission adopts, without modification, the Regulations Committee procedural recommendations and initiates the rulemaking process in Docket No. 95-005-R effective May 26, 1995.

COMMISSIONERS

WLB	B. Bush
AC	A. Carter
ABSENT	M. Cooper
BTC	B. Davis
ABSENT	D. Hanby
ABSENT	J. Hill
ABSENT	J. Mobley

JWP	J. Pascale
JTS	J. Shannon
HGW	H. Watkins
RW	R. Wilbourn
W	W. Wright
RY	R. Young

R. W. W.
Chairman

SUBMITTED BY: O'Malley PASSED: May 26, 1995

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