

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT Crooked Creek
Docket No. 96-007-R

MINUTE ORDER NO. 96-36

PAGE 1 OF 3

On May 31, 1996, the Arkansas Pollution Control and Ecology Commission ("Commission") initiated a rulemaking proceeding that has been designated as Docket No. 96-007-R. (See, Minute Order No. 96-32). The proposed rule amends Regulation No. 2 to add Crooked Creek to the list of Extraordinary Resource Waters. Attached as Exhibit "A" to this Minute Order is the proposed amendment to Regulation No. 2.

1. Public hearings will be held in Harrison, Mountain Home, and Yellville, Arkansas. The hearings will be held during the period of September 3rd and September 30, 1996. The exact date, time, and location of each public hearing will be determined by the Public Affairs Office at the Arkansas Department of Pollution Control and Ecology ("Department").

2. The period for receiving all written comments shall conclude ten (10) business days after the last public hearing pursuant to Regulation No. 8, Part 3, Section 3.2.3, unless an extension of time is granted.

3. Persons submitting written public comments shall submit their written comments to the Public Affairs Office of the Department. Within ten (10) business days following the adoption or denial of the proposed rule, the Department shall deliver the originals of all comments to the Commission Secretary.

4. The Department will file, not later than December 20, 1996, a Statement of Basis and Purpose and Responsive Summary as required by Regulation No. 8, Section 3.6.2(1), (2) and (3). An original and fifteen (15) copies of the Statement of Basis and Purpose and Responsive Summary will be filed with the Commission Secretary.

5. The Department will seek review of the proposed rule at the October, November, or December, 1996 meetings of the Joint Interim Committee on Public Health and Welfare and/or the Joint Interim Committee on Administrative Rules and Regulations.

6. The Regulations Committee will defer consideration of the proposed rule until after the Gravel Mining Task Force issues its report regarding stream gravel mining which is due in December 1996. The Regulations Committee will announce its schedule for considering the proposed rule after the study is released. At that meeting, members of the Regulations Committee may ask questions of the department and any person that made oral or written comments. The Regulations Committee will make a recommendation to the Commission. Based on the recommendation of the Regulations Committee the Commission staff will prepare a proposed Minute Order for Commission consideration.

7. The Commission will announce its schedule for considering the proposed rule following notification from the Regulations Committee that the Committee has a recommendation to present to the Commission. At the Commission meeting to consider the rule, the presentation of oral statements and legal arguments will be regulated as follows:

- a. The Chair of the Commission will permit members of the public to make statements to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. At the discretion of the Chair the one (1) hour public statement period may be extended.
- b. At the discretion of the Chair, 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. Department legal counsel or other designated Department employees will be permitted ten (10) minutes in which to address the Commission.

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT Crooked Creek
Docket No. 96-007-R

MINUTE ORDER NO. 96-36

PAGE 3 OF 3

- d. At the conclusion of all comments, the Chair will call on each Commissioner for the purpose of asking any questions they may have of the attorneys or persons sponsoring comments who are present. 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 Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

8. The Department will prepare all necessary forms for submission of the adopted regulation to the Arkansas Code Revision Commission. The forms will be provided to the Commission Secretary within thirty (30) days of the date on which the Commission adopts the regulation.

9. The Commission authorizes the Chair of the Regulations Committee, in consultation with the Chair of the Commission, to revise the procedures and schedules set out above.

10. The Commission adopts the procedural schedule set forth above.

COMMISSIONERS

| | | | |
|-----------------|-----------|-------------------------------|------------------------------|
| <u>MB</u> | B. Bush | <u>ABSENT</u> | J. Pascale |
| <u>ABSENT</u> | A. Carter | <u>ABSENT</u> | J. Shannon |
| <u>MCC</u> | M. Cooper | <u>JTS</u> | H. Watkins |
| <u>ABSENT</u> | B. Davis | <u>HW</u> | R. Wilbourn |
| <u>DMH</u> | D. Hanby | <u>ABSENT</u> | W. Wright |
| <u>JH</u> | J. Hill | <u>ABSENT</u> | R. Young |
| <u>JM</u> | J. Mobley | | |
| <u>R. Young</u> | | SUBMITTED BY: <u>R. Young</u> | PASSED: <u>July 12, 1996</u> |
| Chair | | | |