

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Department Requests
Rulemaking - Reg. No. 23**

LIS No. ____

DOCKET No. 97-003-R

MINUTE ORDER NO. 97 - 11

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On February 18, 1997, the Arkansas Department of Pollution Control and Ecology ("Department") filed a Petition to Amend Regulation No. 23 ("Petition").

The Commission's Regulations Committee met on February 28, 1997, to review the Petition. Having considered the Petition, the Regulations Committee recommends the Commission institute a rulemaking proceeding to consider adopting the proposed revisions to Regulation No. 23.

1. The Department shall file an original and two (2) copies of all materials required under this Minute Order.
2. Persons submitting written public comments shall submit their written comments to 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.
3. A public hearing shall be conducted the week of April 6, 1997 at the Department offices in Little Rock. The exact date, time, and location of the public hearing will be determined by the Department's Public Affairs Office.
4. The period for receiving all written comments shall conclude ten (10) business days after the date of the public hearing pursuant to Regulation No. 8, Part 3, Section 3.6.2 (1), (2), and (3).
5. The Department shall file, not later than May 10, 1997, a Statement of Basis and Purpose, and Responsive Summary as required by Regulation No. 8, Part 3, Section 3.6.2 (1), (2), and (3).
6. The Department shall file, not later than May 15, 1997, a proposed Minute Order deciding this matter.

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7. The Department shall seek review of the proposed rule from the Joint Interim Committee on Public Health and Welfare and/or from the Joint Interim Committee on Administrative Rules and Regulations.

8. The Regulations Committee will consider this matter at its May, 1997 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.

9. At the Commission's regularly scheduled May, 1997 meeting, the presentation of oral statements and legal arguments shall be regulated as follows:

a. The Chair of the Commission will 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 period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. The Chair in his discretion, may extend the one (1) hour oral statement period.

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 employee will be permitted ten (10) minutes in which to address the Commission.

d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements 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 Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

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10. 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.

11. 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.

The Commission accepts the recommendation of the Regulations Committee and initiates the rulemaking proceeding in the Docket. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

WB B. Bush
AC A. Carter
MC M. Cooper
ABSENT B. Davis
DH D. Hanby
JH J. Hill
JM J. Mobley

JP J. Pascale
JS J. Shannon
HW H. Watkins
ABSENT R. Wilbourn
ABSENT W. Wright
RY R. Young

Julia Mobley
Chair

SUBMITTED BY: Mike Bates

DATE PASSED: 2/28/97