

ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION

LOCATION - SUBJECT  
MAC ACQUISITIONS, L.P. d/b/a  
MERIDIAN  
BLACK ROCK, AR  
DOCKET NO. 99-004-R

MINUTE ORDER NO. 99- 21

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On May 14, 1999, Mac Acquisitions, L.P. d/b/a Meridian ("Meridian") filed a Petition to Initiate Third Party Rulemaking to Amend Regulation No. 2, Water Quality Standards ("Petition"). Pursuant to Ark. Code Ann. § 8-4-202(c) (Repl. 1993), the Arkansas Pollution Control and Ecology Commission ("Commission") has sixty (60) days in which to either institute rulemaking proceedings or to give written notice denying the petition for rulemaking.

The Commission's Regulations Committee met in May to review Meridian's Petition. Having considered the Petition, the Regulations Committee recommends the Commission institute a rulemaking proceeding to consider adopting the proposed revisions to Regulation No. 2. The Regulations Committee also proposes adoption of the following procedural schedule so consideration of this matter may proceed in an efficient and orderly manner.

1. Meridian and the Arkansas Department of Environmental Quality ("ADEQ"), shall file an original and two (2) copies of all materials required under this Minute Order. Each party shall serve the other with the materials filed. This requirement does not apply to transcripts.
2. Persons submitting written public comments shall submit their written comments to the ADEQ. Within ten (10) business days following the adoption or denial of the proposed rule, the ADEQ shall deliver the originals of all comments to the Commission Secretary.
3. Meridian has filed with its Petition a red-lined version of each section of Regulation No. 2 which will be amended by the proposed rule.
4. Meridian has submitted to the ADEQ's public affairs office, the following:
  - a. A proposed public notice to be used in mailing notice to interested persons, for publishing in newspapers, and for publishing in appropriate industry, trade, or professional publications as the

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Commission may select. The proposed public notice may, in the ADEQ's discretion, be approved for use or the ADEQ may choose to prepare its own public notice. The public notice shall conform to the requirements of Regulation No. 8, Part 3, Section 3.1.3. The public notice shall be published not later than 45 days prior to public hearing. By agreement, Meridian shall pay the costs of the newspaper publications and the costs of the appropriate industry, trade, or professional publications chosen by the Commission. Meridian shall file only the original proof of publication with the Commission. The ADEQ shall be responsible for mailing the public notice to all persons who have requested advance notice of rulemaking proceedings and the cost of the mailing.

- b. Sixty-five (65) copies of an executive summary of the proposed rulemaking.
- c. Thirty bound copies of the Petition and all supporting documentation.

5. A public hearing or hearings shall be conducted between July 19 and 23, 1999 in Lawrence County, Arkansas. The exact date, time, and location of the public hearing will be determined by the ADEQ's Public Affairs office.

6. The period for receiving all written comments by the public, Meridian and the ADEQ shall conclude ten (10) business days after the date of the public hearing pursuant to Regulation No. 8, Part 3, Section 2.2.3, unless an extension of time is granted.

7. Meridian and the ADEQ shall each file, not later than August 10, 1999 a Statement of Basis and Purpose and Responsiveness Summary as required by Regulation No. 8, Part 3, Section 3.6.2 (1), (2) and (3).

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8. Meridian and the ADEQ shall each file not later than August 10, 1999 a proposed Minute Order deciding the matter.

9. The ADEQ 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 Rule and Regulations.

10. The Regulations Committee will consider this matter at its August, 1999 meeting. Members of the Regulations Committee may ask questions of any persons that made oral or written comments. The Regulations Committee will make a recommendation to the Commission.

11. At the Commissions's regularly scheduled August, 1999 meeting, 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 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. At the discretion of the Chair, the one (1) hour oral 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. Legal counsel or other designated persons representing Meridian and the ADEQ shall be permitted ten (10) minutes in which to address the Commission.

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- 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.

12. If Meridian desires a transcript of the public hearing, Regulation Committee meeting, and Commission meetings, or if required by the Commission, Meridian agrees to pay all costs for the preparation of a transcript of the public hearing, Regulation Committee meetings and Commission meetings which concern this docket and occur after the adoption of this Minute Order. If a transcript of the rulemaking proceedings is required, the court reporter will be employed by Meridian, and the court reporter shall deliver the original transcript to the Commission Secretary.

13. 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 this docket. The Commission adopts, without modification, the procedural schedule set forth above.

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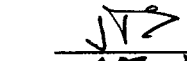

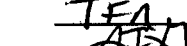


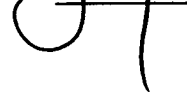
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COMMISSIONERS:

 T. Schueck  
 B. Bush  
 J. Hill  
 J. Mobley  
ABSENT D. Featherstone  
ABSENT J. Pascale  
           S. Varnell

 J. Shannon  
 W. Wright  
 T.F. Robinson  
 J. Goodhart  
 L. Sickel  
 R. Young

 SUBMITTED BY: Charles R. Nestrud PASSED: 5/27/99  
Chair

A:\minute order