

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

SUBJECT: Petition to
Initiate Rulemaking -
Regulation No. 2

DOCKET NO. 06-010-R

MINUTE ORDER NO. 07 - 12

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On September 21, 2006, the Arkansas Department of Environmental Quality ("Department") filed a Second Amended Petition to Initiate Rulemaking for Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. The Second Amended Petition was been designated as Docket No. 06-010-R. On September 22, 2006, the Commission voted to initiate rulemaking and set forth a procedural schedule in Minute Order 06-39.

On April 13, 2006, the Department filed a Motion for Extension of Time to File Responsive Summary. The Department proposes that the Commission adopt the following revisions to the procedural schedule in Docket No. 06-010-R.

1. The Department shall file, not later than June 1, 2007, a Statement of Basis and Purpose as required by Regulation No. 8, Section 3.6.2(1), (2) and (3).

2. The Department shall file, not later than June 1, 2007, a proposed Minute Order deciding this matter.

3. 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 in July 2007.

4. The Regulations Committee will consider this matter at its August 2007 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.

5. At its regularly scheduled August 2007 meeting, the presentation of oral statements and legal arguments shall be regulated as follows:

- a. At the discretion of the Chair, an attorney representing one or more individuals, a corporation or their legal entity may be permitted five (5) minutes in which to address the Commission.

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- c. Department legal counsel or other designated Department employee will be permitted ten (10) minutes in which to address the Commission.
- d. At the conclusion of all comments, the Chairman will call on each Commissioner for the purpose of asking the attorneys or persons who are present sponsoring comments, 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.

6. The Commission authorizes the Chair and 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 adopts the revision to the procedural schedule to the rulemaking proceeding in Docket No. 06-010-R, effective April 27, 2006. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS

BA B. Ackerman
LB L. Bengal
S S. Henderson
CM C. McGrew
JS J. Simpson
DS D. Samples
TS T. Schueck

JTS J. Shannon
LS L. Sickel
WGT W. Thompson
ESV E. Valdez
B B. White
R R. Young

[Signature] SUBMITTED BY: Jamie Ewing, ADEQ PASSED: 04/27/2007
Dana Samples, Chairman