

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL
SUITE 205
LITTLE ROCK, ARKANSAS 72201
PHONE: (501) 682-7890
FAX: (501) 682-7891



September 9, 2008

Mr. Doug Szenher, POA Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118

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ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION
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Re: Comments on Regulation No. 8

Dear Mr. Szenher:

I propose that the following revision be made to Reg.8.606:

(C) A facsimile or electronic mail sent by midnight central time shall be the effective filing date for a pleading or other document. The effective filing date for a pleading or other document shall be the date it is received by the Commission while the office is open for business. The effective filing date for a pleading or other document received when the Commission office is closed shall be the next business day.

The rule, as it is presently written, requires a party to file during the time the office is open. If received after the office is closed, the pleading is file-marked with the date of the following business day. The proposed revision allows a party until midnight central time to file a pleading or other document by facsimile or electronically. This revision allows attorneys and others additional time in which to file a pleading or other document by facsimile or electronic mail on the day it is due.

I also propose that the following revision be made to Reg.8.619:

(b)(B) Copies of Documents for Commissioners Request

A party must file an original and ~~twenty-five (25)~~ three (3) copies of the request or response to a request, unless the Administrative Hearing Officer or the Commission Secretary requires a different number.

This revision is suggested because the agenda package for commission meetings has been converted from hard copies being sent to each commissioner and others to an electronic being sent. There is no longer a need for 25 copies of the request or response to the request and the number of hard copies can be reduced substantially.

I appreciate the opportunity to comment on the revisions to Regulation No. 8.

Respectfully,

A handwritten signature in black ink that reads "Michael O'Malley". The signature is written in a cursive, flowing style.

Michael O'Malley
Administrative Hearing Officer