

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 29, ARKANSAS) DOCKET NO. 14-___-R
BROWNFIELDS REDEVELOPMENT)**

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 29,
ARKANSAS BROWNFIELDS REDEVELOPMENT**

Comes now, the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”) for its Petition to Initiate Rulemaking to Amend Arkansas Pollution Control & Ecology Commission (hereinafter “APC&EC”) Regulation No. 29, Arkansas Brownfields Redevelopment, states:

The following amendments are proposed for Regulation No. 29 pursuant to the provisions of Ark. Code Ann. § 8-7-209(b)(1), which allow the APC&EC to modify regulations regarding hazardous waste management as may be necessary or appropriate to implement the intent of the laws:

1. To change the title from Regulation No. 29 Arkansas *Brownfields* Redevelopment to Regulation No. 29 Arkansas *Brownfield* Redevelopment.
2. To amend Reg.29.101 to read, “The following rules and regulations of the Arkansas Pollution Control and Ecology Commission, adopted pursuant to the provisions of the Arkansas Hazardous Waste Management Act of 1979 (Act 406 of 1979, as amended, Arkansas Code Annotated (A.C.A.) § 8-7-201 *et seq.*), the Arkansas Remedial Action Trust Fund Act of 1985 (Act 479 of 1985, as amended, A.C.A. § 8-7-501 *et seq.*), and the Arkansas Voluntary Clean-Up Act (Act 1042 of 1997, as amended, A.C.A. § 8-7-1101 *et seq.*) shall be known as APC&EC Regulation No. 29, Brownfield Redevelopment”.

3. To amend Reg.29.401(A)(3) to read, “Will reuse or redevelop the property for industrial, commercial, agricultural, or residential uses which will sustain or create employment opportunities or otherwise augment the local and/or state economy and tax base, or both; or”.
4. To amend Reg.29.402 in order to replace “Brownfields” with “Brownfield”.
5. To amend Reg.29.501 to read, “The public shall be provided notice of the proposed remedy at a Brownfield site and given the opportunity to comment and request a public hearing prior to the ADEQ making a final remedy determination.”
6. To amend Reg.29.502 to read, “ADEQ shall follow APC&EC Regulation No. 8 in providing for public participation and input on the remedy selection.”
7. To amend Reg.29.801 to read, “This Regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.”
8. To make minor stylistic and formatting corrections throughout the Regulation.

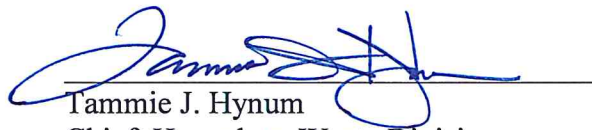
These changes will make the regulation consistent with the program requirement of Ark. Code Ann. § 8-7-1101 *et seq.*, and with the APC&EC Regulation Formatting and Drafting Guidelines.

Tammie J. Hynum, Chief, Hazardous Waste Division, will be available to answer questions concerning this proposed rulemaking. A markup version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of a Financial Impact Statement is attached as Exhibit “C”, both of which are incorporated by reference. An analysis of the impact to small businesses is attached as Exhibit “D” and is hereby

incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis pursuant to Reg. 8.812 is attached as Exhibit "E" and is hereby incorporated by reference. A proposed Minute Order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed amendments to Regulation No. 29.

Respectfully submitted,



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