

Developing and Submitting Comments On Record for Department Rulemakings and Revisions to the State Implementation Plan

Commenting on proposed rulemakings is the most direct way for you, as a citizen, to offer input on proposed revisions of the State pollution Regulations and the State Implementation Plan (SIP). When a revision to one of the Arkansas Pollution Control and Ecology Commission's (Commission's) Regulations is proposed, usually by the Arkansas Department of Environmental Quality (ADEQ) or occasionally by a third party such as an industry or environmental group, the Commission will vote whether or not to initiate the rulemaking. Upon the Commission's initiation of rulemaking, a notice of the proposed revisions and the date of the public hearing will be published in the Arkansas Democrat-Gazette for two days (one day for SIPs). The publication opens the public comment period for that rulemaking for a period of 10 days after the public hearing (14 days for SIPs).

ADEQ carefully considers each comment received when preparing the Final Draft Regulation for adoption, so the public comment period offers the best chance for you to influence the final proposed Regulation submitted for adoption. Adopted Regulations often provide the basis for SIP revisions, and after consideration of comments made regarding proposed SIP revisions, the final SIP is submitted to the Environmental Protection Agency. The public process for SIP revisions is very similar to the public process for Regulation revisions.

Important Points to Remember When Commenting:

- Rulemaking documents for proposed Regulation changes are available on the Commission's website, under "DRAFTS of Proposed Regulation Changes."
http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm
- Rulemaking documents for proposed SIP revisions will be available on ADEQ's website; the web link for the SIP revision will be published with the public notice for the public hearing.
- You may make verbal comments at the public hearing that staff will record and transcribe, or you may submit written comments through e-mail, the postal service, or your choice of other delivery to the Department. The Department prefers written comments to preserve the Commenter's original language and intent.
- In the proposed Regulation, language shown in **red** is up for consideration. To have the greatest effect, comments should be within the scope of the red proposed language. The Department cannot consider comments that are outside the scope of the rulemaking at hand. You may also make comments about the supporting documents the Department submits as part of the rulemaking (e.g., modeling results, economic impact statements, etc.).
- **Red underline** indicates language the Department proposes to add, and **~~red strikethrough~~** indicates the Department proposes to delete from the proposed Regulation.
- Consult the documents the Department submitted with the proposed Regulation. Specifically, the *Petition to Initiate Rulemaking* gives a short description and scope of each of the changes, and the justification basis for each. It often serves as the "roadmap" for proposed Regulation revisions. For SIP revisions, the *Introduction* serves the same purpose.
- Be as specific as you can be in your comment. You may comment about your general opinion of the overall rulemaking; however, this type of comment will not generally result in any changes to the proposed language. If you reference a non-Department document to support your position,

please provide a copy of the document or a web link address so the Department can reference the document while reviewing public comments.

- Explain your views and reasoning as clearly as possible. Provide the basis for your assumptions and provide empirical evidence or test data, wherever possible, to support your views.
- Consider the requirements and limitations of the statutory authority under which the Commission and ADEQ is making its proposal. You may be objecting to a proposal over which the agencies have no discretion; the agencies may be required to issue a final rule with that provision. You may also be proposing an alternative that the agencies have no authority to implement.
- Tie your comment to a specific proposed revision within a section of the Regulation or SIP, for instance, “Chapter 9, Section 19.903: proposed language should be revised to read...”
- Comments must be received by the date posted in the Public Comments Announcement. Any received after 4:30 p.m. on the date published in the public notice will not be considered.