

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate  
Rulemaking - Regulation No. 36**

**Docket No. 18-002-R**

**MINUTE ORDER NO. 18-**

**PAGE 1 OF 3**

---

On January 12, 2018, the Arkansas Department of Environmental Quality (ADEQ) filed a Petition to Initiate Rulemaking to Permanently Amend Emergency Rulemaking for Regulation No. 36: Used Tire Recycling and Accountability Program. The Petition has been designated as Docket No. 18-002-R.

The Commission met on January 26, 2018, to review the Petition and institute a rulemaking proceeding to consider adopting the proposed permanent amendments to Regulation No. 36. The Commission also recommends adoption for the following procedures and schedule:

1. ADEQ will file an original and three (3) copies and an electronic version of all materials required under this Minute Order.
2. ADEQ will publish notice of this rulemaking in a newspaper of general circulation for two (2) consecutive days.
3. A public hearing will be conducted on February 27, 2018, at 2:00 p.m. in the Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas.
4. The period for receiving all written comments concludes ten (10) business days after the date of the public hearing, at 4:30 p.m. (Central Time) on March 15, 2018, unless an extension of time is granted. Persons submitting written public comments shall submit them to ADEQ. ADEQ will deliver public comments to the Commission Secretary within ten (10) business days after the close of public comments. ADEQ shall file a Responsive Summary before the proposed rule is submitted to the Legislative Council for review.
5. ADEQ shall seek review of the proposed rulemaking by the Joint Interim Committee on Public Health and Welfare and the Administrative Rules and Regulations Subcommittee of Legislative Council. If the General Assembly is in session and chooses to review the proposed regulatory amendments, ADEQ may seek review by the designated committees and subcommittees. Since this permanent rulemaking process cannot be finalized before the current emergency rulemaking expires, ADEQ is authorized to seek review and approval by the Executive Subcommittee of Arkansas Legislative Council for possible necessary successive emergency rulemaking that is substantially similar to the draft markup filed for this rulemaking.
6. After legislative review, ADEQ shall file with the Commission a Statement of Basis and Purpose as required by Reg.8.815. In addition, ADEQ shall file a proposed Minute Order deciding this matter.
7. The Commission may consider this matter at the June 2018 meeting. If the appropriate legislative committees do not complete review and approval of the proposed rule by this date, the Commission will consider the proposed amendments to the regulation after review by the

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate  
Rulemaking - Regulation No. 36**

**Docket No. 18-002-R**

**MINUTE ORDER NO. 18-**

**PAGE 2 OF 3**

---

legislative committees. The Commission may ask questions of any persons who made oral or written comments.

8. At the Commission 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 an oral 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 (1) or more individuals, a corporation, or other legal entity may be permitted five (5) minutes to address the Commission.

c. ADEQ shall be permitted ten (10) minutes to address the Commission.

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 for any questions they have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

e. 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.

9. The Commission finds that the provision of Reg.8.812 do not apply and an Economic Impact/Environmental Benefit Analysis is not required because this proposed regulation incorporates and adopts language of an Arkansas state statute without substantive change.

The Commission hereby initiates the rulemaking proceeding into this docket. The Commission adopts, without modification, the procedural schedule set forth above.

BY: \_\_\_\_\_  
Miles Goggans, Chair

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate  
Rulemaking - Regulation No. 36**

**MINUTE ORDER NO. 18-**

**Docket No. 18-002-R**

**PAGE 3 OF 3**

---

**COMMISSIONERS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**L. Bengal  
J. Chamberlin  
C. Colclasure  
J. Fox  
C. Gardner  
B. Holland**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Melton  
S. Moss, Jr.  
R. Reynolds  
W. Stites  
G. Wheeler  
B. White**

\_\_\_\_\_  
M. Goggans - Chair

**SUBMITTED BY: Kevin White      PASSED: \_\_\_\_\_**