

Arkansas Pollution Control
and Ecology Commission

Subject: Regulation No. 2
Water Quality Standards
Petition to Promulgate Emergency
Rule and Third-Party Rulemaking
Bayou Meto Water Management
District

Docket No: _____
MINUTE ORDER NO. _____

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On April 13, 2007, the Bayou Meto Water Management District (BMWMD) filed a Petition to Promulgate an Emergency Rule and Initiate Third-Party Rulemaking to Amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. The Petition has been designated as Docket No. _____.

The Commission's Regulations Committee met on _____ to review the Petition. Having considered the Petition, the Commission initiates a rulemaking proceeding to consider adopting as a permanent rule the proposed revisions to Regulation No. 2.

1. BMWMD shall file an original and twenty-five (25) copies and a disk containing all materials required under this Minute Order. Any other party filing any pleading in this docket with the Commission Secretary shall file an original and two (2) copies and a disk containing the pleading and all other materials filed with it; and the party shall serve on BMWMD a copy of the pleading and all materials filed with the Commission
2. Persons submitting written public comments shall submit their written comments to ADEQ. Within ten (10) business days following the adoption or denial of the proposed rule, ADEQ shall deliver the originals of all comments to the Commission Secretary.
3. BMWMD has filed a black-lined version of the sections of Regulation No. 2. which will be amended by the proposed rule.
4. BMWMD has submitted to ADEQ's public affairs office the following:
 - a. A proposed public notice to be used in mailing notice to interested persons, for publishing in appropriate industry, trade, or professional publications as the Commission may select. The proposed public notice may, in ADEQ's discretion, be approved for use or ADEQ may chose to prepare its own public notice. The public notice shall conform to the requirements of Regulation No. 8 Section 3.1.3. The public notice shall be published not later than forty-five (45) days prior to the public hearing.

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- b. An original version of the Executive Summary of the proposed rulemaking plus copies as requested by ADEQ's public affairs office.
 - c. Copies of the petition and all supporting documentation as requested by ADEQ's public affairs office
5. The ADEQ will schedule one or more public hearings on this proposal between the dates of June 18 and July 13 in a location or locations to be determined after consultation with the Commission. The ADEQ will cause a legal notice announcing the proposed rulemaking and public hearing schedule to be published between the dates of May 1 and May 13, 2007 in one or more newspapers to be determined after consultation with the Commission. All publication costs will be the responsibility of the petitioner.
6. The public comment period for this proposal will end ten (10) business days after the final public hearing held regarding this proposal, unless extended in accordance with provisions in Commission Regulation No. 8.
7. BMWMD and ADEQ shall each file not later than October 12, 2007 a Statement of Basis and Responsiveness Summary as required by Regulation No. 8, Part 3, Section 3.4.4 (c).
8. BMWMD and ADEQ shall each file not later than October 12, 2007 a proposed Minute Order deciding the matter.
9. ADEQ 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 Regulation
10. The Regulations Committee will consider this matter at its October 2007 meeting. Members of the Regulations Committee may ask questions of any persons that made oral or written comments. The Regulations Committee will make a recommendation to the Commission.
11. At the Commission's regularly scheduled October 27, 2007 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 a statement to the Commission. No more than three (3) minutes will be

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- 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 or more individuals, a corporation or other legal entity may be permitted five (5) minutes in which to address the Commission
 - c. Legal counsel or other designated persons representing BMWMD shall be permitted ten (10) minutes in which 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, any questions they may have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.
12. 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.
 13. If BMWMD desires a transcript of the public hearing, Regulations Committee meeting, and Commission meetings, or if required by the Commission, BMWMD agrees to pay all costs for the preparation of a transcript of the public hearing, Regulations Committee meetings and Commission meetings which concern this docket and occur after the adoption of this Minute Order. If a transcript of the rulemaking proceedings is required, the court reporter will be employed by BMWMD and the court reporter shall deliver the original transcript to the Commission Secretary.
 14. The Commission authorizes the Chair of the Regulations Committee, in consultation with the Chair of the Commission, to revise the procedures and schedules set out above.
 15. Pursuant to Act 143 of the Regular Session of the 86th General Assembly of the State of Arkansas, the Commission is required to determine whether a proposed rule affects small businesses. Based on the information contained in the Petition, Economic Impact Statement, and the response from the Arkansas Department of Economic Development, the Commission finds the proposed amendment to Regulation No. 2 does not affect small businesses.

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The Commission accepts the recommendations of the Regulations Committee and initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

_____ Thomas Schueck	_____ Bootsie Ackerman
_____ Lawrence Bengal	_____ Scott Henderson
_____ Charles McGrew	_____ Randy Quillin
_____ John T. Shannon	_____ Lynn Sickel
_____ Ephrain Valdez	_____ William Thompson
_____ Bekki White	_____ Randy Young

Chair, Dana Samples

DATE PASSED: _____