

FILED

FILED

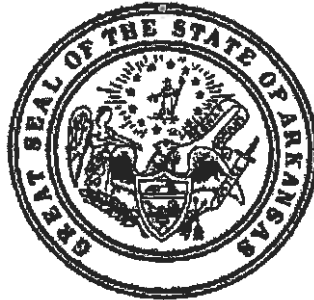
Pollution Control and Ecology Commission #014-00-08

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

FILED

FEB 02 2009

CHARLIE DANIELS
SECRETARY OF STATE



REGULATION NO. 8

ADMINISTRATIVE PROCEDURES

Approved by the PC&E Commission: January 23, 2009

(3) At any time during a public hearing, the Presiding Officer may continue the hearing until all oral comments have been heard or may determine not to receive additional oral comments if he or she determines that additional comments would not serve a useful purpose or would be repetitious or unduly time consuming.

Reg.8.806 WRITTEN COMMENTS

(A) The Commission prefers that all comments be in writing and filed with the Department by mail, facsimile or electronic mail.

(B) The period for receiving written comments shall begin on the day of publication of public notice and shall extend ten (10) business days beyond the date of the public hearing.

(C) Written public comments will be accepted if received no later than 4:30 p.m. on the last day of the public comment period. Written public comments may be submitted by electronic mail if received no later than 4:30 p.m. on the last day of the public comment period. Electronic mail comments must be sent to the electronic mail address specified in the public notice.

(D) The Presiding Officer may extend the period for written comments at the public hearing for up to an additional twenty (20) calendar days beyond the close of the public comment period. If the extended date falls on a weekend or holiday, the comment period will end on the next working day.

Reg.8.807 EMERGENCY RULEMAKING

(A) If the Commission determines that imminent peril to the public health, safety or welfare requires emergency rulemaking, the Commission may waive or reduce the notice requirements of Reg.8.801 through Reg.8.806.

(B) The Commission must document the facts and reasons justifying emergency rulemaking in a written order.

(C) The imminent loss of federal funding, certification or authorization for any program administered by the Department shall establish a prima facie case of imminent peril supporting emergency rulemaking. In addition, the Department may present any other evidence proving the existence of imminent peril to the public health, safety or welfare.

(D) No regulation adopted pursuant to this Section shall be effective for no more than one hundred and eighty (180) calendar days, unless a longer period is allowed by law.

Reg.8.808 CONTENTS OF RULEMAKING DOCKET

(A) A rulemaking docket shall include:

(1) A petition containing a caption as set out in Reg.8.605, and a detailed explanation of the proposed regulation;

(2) An attached marked-up copy of the entire regulation or the specific pages of the regulation that are affected, showing all changes that are proposed;

(3) A legislative questionnaire;

(4) A Financial Impact Statement;

(5) The Arkansas Economic Development Commission (“AEDC”) approval letter regarding Act 143 of 2007 (formerly Governor’s Executive Order 05-04) or memorandum explaining why the Act is not applicable;

(6) The economic impact/environmental benefit analysis required by Reg.8.812, if applicable; and

(7) A proposed Minute Order initiating the rulemaking.

(B) Upon satisfaction of the public notice and hearing requirements contained in Reg.8.802 and Reg.8.805, the following shall be submitted to the Commission for final promulgation of the regulation, and shall become part of the rulemaking docket;

(1) The Statement of Basis and Purpose and Responsive Summary as described in Reg. 8.815;

(2) The Final revised regulation;

(3) The Regulation Tracking Sheet; and

(4) The proposed Minute Order adopting the proposed revisions to the regulation.

(C) All documents contained in the rulemaking docket shall be prepared in accordance with the Commission Regulation Formatting and Drafting Guidelines.

Reg. 8.809 THIRD-PARTY PETITION FOR RULEMAKING

Any person may petition the Commission for the issuance, amendment, or repeal of any regulation.

Reg.8.810 COMMISSION DEADLINE ON THIRD-PARTY PETITIONS

(A) Within sixty (60) calendar days after the petition is filed with the Commission, the Commission shall either initiate the procedures for adopting the proposed regulation, or deny the petition.

(B) A decision to initiate rulemaking shall not constitute an endorsement of the proposed regulation.