

BEFORE THE ARKANSAS COMMISSION ON  
POLLUTION CONTROL & ECOLOGY

IN RE: CITY OF HUNTSVILLE PETITION            )  
TO INITIATE RULEMAKING TO AMEND            ) DOCKET NO. 13-006-R  
REGULATION NO. 2                                    )

CITY OF HUNTSVILLE'S  
MOTION FOR THE ADOPTION OF PROPOSED  
AMENDMENTS TO REGULATION NO. 2

The City of Huntsville (“Huntsville”), in support of its Motion for the Adoption of Proposed Changes to the Arkansas Pollution Control and Ecology Commission’s (APCEC” or “the Commission”) Regulation No. 2, submits the following:

1. By Minute Order 17-19, dated August 25, 2017, the Commission granted the City of Huntsville’s Second Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.

2. Public notice of the Rulemaking was published in the Arkansas Democrat Gazette on October 13 and 14, 2017 and a public hearing was held at 6 p.m. at the Madison County Courthouse, 201 W. Main, Huntsville, Arkansas. The deadline for submitting written public comments was December 4, 2017. In compliance with Minute Order 17-19, Huntsville filed its Statement of Basis and Purpose and its Response to Comments on January 29, 2018. On July 18, 2018 ADEQ filed its Responsive Summary. Attached hereto as Exhibit C are the final proposed amendments to APCEC Regulation No. 2.

3. On September 13, 2018, Huntsville’s proposed amendments to APCEC Regulation No. 2 were reviewed by the Joint Senate and House committee on Public Health, Welfare, and Labor. On October 15, 2018, the proposed amendments will be reviewed by the

Administrative Rules and Regulation Subcommittee of the Arkansas Legislative Council, and on October 19, 2018, the report from the Administrative Rules and Regulations Subcommittee will be submitted to the Arkansas Legislative Council. Huntsville believes that this matter will pass the Administrative Rules and Regulations Subcommittee. If this does not occur, the City of Huntsville will withdraw this Motion for Adoption.

4. On September 27, 2018, the City of Huntsville was notified that its proposed Amendments had been approved by the Office of the Governor.

5. Pursuant to APCEC Regulation 8.814, Huntsville submits the following documents to the Commission in support of adoption of the regulation:

- a. Exhibit A: State and Basis and Purpose signed by preparer
- b. Exhibits B(1) and B(2): Huntsville and ADEQ Responsive Summary
- c. Exhibit C: Final Revised Regulations
- d. Exhibit D: Regulation Tracking Sheet
- e. Exhibits E(1), E(2) and E(3): Governor's Approval Joint Committee of Public Health, Welfare and Labor and Joint Committee of Administrative Rules and Regulations documented approvals
- f. Exhibit F: Proposed Minute Order

WHEREFORE, the City of Huntsville respectfully asks this Commission to adopt the amendments to APCEC Regulation No. 2 set forth in Exhibit C attached hereto.

Respectfully submitted,

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Little Rock, AR 72201  
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By:   
Charles R. Nestrud, AR Bar # 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 10 day of October, 2018, a copy of the foregoing Motion for Adoption on the following by electronic mail:

Mr. Michael McAlister  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118.

  
Charles R. Nestrud