

September 30, 2008

Hon. Michael O'Malley  
Administrative Hearing Officer  
Arkansas Pollution Control and Ecology Commission  
101 East Capitol Ave., Suite 205  
Little Rock, AR 72201

Re: Regulations No. 19 – Regulations of the Arkansas Plan of Implementation for Air Pollution Control

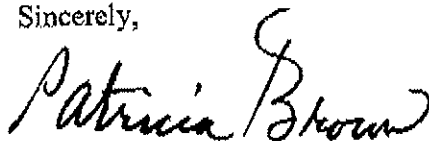
Dear Judge O'Malley:

Per Act 143 of 2007, (Arkansas Code § 25-15-301 *et seq.*), I have reviewed the proposed Amendment to Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control. Arkansas Code Annotated § 25-15-303(d)(1) requires me to determine if the petitioners have “taken sufficient measures to balance the objectives of the proposed rules with the interests of the impacted small business” My review of the proposed regulation change does not affect “Small Business” as defined by the Arkansas statute and a financial impact statement is not required.

It is my determination that sufficient steps have been taken to protect the interests of small business in the proposed change to regulation No. 19, Regulation of the Arkansas Plan of Implementation for Air Pollution Control.

Please feel free to contact me with any questions regarding this matter. I can be reached at (501) 682-2559 or [pbrown@arkansasEDC.com](mailto:pbrown@arkansasEDC.com).

Sincerely,



Patricia Brown  
Division Director  
Small and Minority Business

PB/ns

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September 12, 2008

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Ms. Patricia Brown  
Minority and Small Business Division  
Arkansas Economic Development Commission  
One Capitol Mall  
Little Rock, AR 72201

RE: Proposed Third-Party Rulemaking  
Regulation No. 19 – Regulation of the Arkansas Plan  
of Implementation for Air Pollution Control

Dear Ms. Brown:

Pursuant to Arkansas Code Annotated §25-15-301 *et seq.*, Entergy Arkansas, Inc. and the Arkansas Electric Cooperative (“Petitioners”) request a review by the Arkansas Economic Development Commission (“AEDC”) of the proposed change to the Arkansas Pollution Control and Ecology Commission (“Commission”) Regulation No. 19 for a determination whether the proposed rule change affects small businesses in Arkansas. Petitioners are requesting from the Commission an amendment to Regulation No. 19.1504(B), which requires the installation of Best Available Retrofit Technology (“BART”) emission controls within a defined time period established in the regulation. This amendment will conform the compliance requirements of Regulation No. 19 with the Environmental Protection Agency’s Regional Haze Rule. Regulation No. 19.504(A) specifically limits the requirements of installation of BART emission controls to the following entities:

- (i) Arkansas Electric Cooperative Corporation
- (ii) Domtar Industries, Inc.
- (iii) Entergy Arkansas, Inc.
- (iv) Southwest Electric Power Company

These entities are the only facilities in Arkansas which may be affected by the proposed regulation change.

A.C.A. §25-15-301(3) defines “Small Business” as follows:

“(3) “Small Business” means a for-profit enterprise consisting of no more than one hundred (100) employees regardless of whether the employees are full time or part time employees.”

The above-named facilities do not meet the definition of "Small Business" as each corporation employs a work force of greater than one hundred (100) employees. Therefore, this proposed regulation change will not affect small business and will not require the submission of an economic impact statement.

Petitioners request a letter of confirmation from the AEDC that small businesses will not be affected by this proposed regulation change. I enclose for your review a draft of a form letter similar to a confirmation letter previously submitted by the AEDC to the Commission regarding a regulation change. I also enclose for your review a copy of the black-lined change to Regulation No. 19 and Act 143 of 2007. Please contact me if you have any questions or comments.

Sincerely,

QUATTLEBAUM, GROOMS,  
TULL & BURROW PLLC



Al Eckert

*Attorneys for Entergy Arkansas, Inc.*