

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to
Initiate Rulemaking -
Regulation No. 2**

DOCKET NO. 06- 010 -R

MINUTE ORDER NO. 06 - 39

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On September 8, 2006, the Arkansas Department of Environmental Quality ("Department") filed a Petition to Initiate Rulemaking for Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. The Amended Petition has been designated as Docket No. 06-010-R. On September 19, 2006, the Department filed an Amended Petition to Amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. On September 21, 2006, the Department filed a Second Amended Petition to Amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.

The Commission's Regulations Committee met on September 22, 2006, to review the Second Amended Petition. It voted to refer the matter to the entire Commission. The Department proposes that the Commission adopt the following procedural schedule.

1. The Department shall file an original and two (2) copies of all materials required under this Minute Order.

2. Persons submitting written public comments shall submit their written comments to the Department. Within ten (10) business days following the adoption or denial of the proposed rule, the Department shall deliver the originals of all comments to the Commission Secretary.

3. Public hearings shall be conducted during the months of November and December at locations and times to be determined by the Department.

4. Public notice of the proposed rule-making will be published on or about the week of September 25, 2006. The period for receiving all written comments shall conclude ten (10) business days after the date of the public hearings pursuant to

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Regulation No. 8, Part 3, Section 3.2.3, unless an extension of time is granted.

5. The Department shall file, not later than May 1, 2007, a Statement of Basis and Purpose as required by Regulation No. 8, Section 3.6.2(1), (2) and (3).

6. The Department shall file, not later than May 1, 2007, a proposed Minute Order deciding this matter.

7. The Department 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 Regulations.

8. The Regulations Committee will consider this matter at its May 2007 meeting. Members of the Regulations Committee may ask questions of the Department and any person that made oral or written comments. The Regulations Committee will make a recommendation to the Commission.

9. At its regularly scheduled May 2007 meeting, the presentation of oral statements and legal arguments shall be regulated as follows:

- a. A 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 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. The Chair in his discretion, may extend the one (1) hour public comment period.

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- b. At the discretion of the Chair, an attorney representing one or more individuals, a corporation or their legal entity may be permitted five (5) minutes in which to address the Commission.
 - c. Department legal counsel or other designated Department employee will be permitted ten (10) minutes in which to address the Commission.
 - d. At the conclusion of all comments, the Chairman will call on each Commissioner for the purpose of asking the attorneys or persons who are present sponsoring comments, any questions they may have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

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.

10. The Commission authorizes the Chair and the Regulations Committee, in consultation with the Chair of the Commission, to revise the procedures and schedules set out above.

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The Commission accepts the recommendation of the Regulations Committee and initiates the rulemaking proceeding in Docket No. 06- 010-R, effective September 22, 2006. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS

BA B. Ackerman
LB L. Bengal
S. Henderson
CMC C. McGrew
Recuse R. Quillin
D. Samples
Recuse T. Schueck

JTS J. Shannon
LS L. Sickel
WTS W. Thompson
ESL E. Valdez
BW B. White
R R. Young

[Signature] SUBMITTED BY: Mary Leath, ADEQ PASSED: 9/22/2006
Dana Samples, Chairman