

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Regulation No. 9
Permit Fee Regulation
Procedural Schedule**

DOCKET No. 02-009-R

MINUTE ORDER NO. 02 -

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On October 24, 2002, Commissioner Randy Young filed a Petition to Adopt an Emergency Rule to Amend Regulation No. 9, Permit Fees Regulation, and to Initiate Rulemaking. The Petition has been designated as Docket No. 02-009-R.

The Arkansas Pollution Control Commission ("Commission") met on October 25, 2002, 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. 9.

1. The Commission and the Arkansas Department of Environmental Quality ("ADEQ") 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. A public hearing shall be conducted on Monday, December 2, 2002, at 2:00 p.m., in the Commission Room located at No. 1 State Police Plaza, Little Rock, Arkansas.

4. The period for receiving all written comments shall conclude ten (10) business days after the date of the public hearing pursuant to Regulation No. 8, Part 3, Section 3.2.3, unless an extension of time is granted.

5. The Commission shall file, not later than January 31, 2003, a Statement of Basis and Purpose as required by Regulation No. 8, Part 3, Section 3.6.2(1), (2) and (3).

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6. The Commission shall file, not later than January 31, 2003, a proposed Minute Order deciding this matter.

7. 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 Regulations.

8. The Regulations Committee will consider this matter at its February 28, 2003, meeting. Members of the Regulations Committee may ask questions of any person that made oral or written comments. The Regulations Committee will make a recommendation to the Commission.

9. At its regularly scheduled February 28, 2003 meeting, the presentation of oral statements and legal arguments shall 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 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 has her discretion to extend the one (1) hour public comment period.

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. ADEQ legal counsel or other designated employee will be permitted ten (10) minutes in which to address the Commission.

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d. At the conclusion of all comments, the Chair will call on each Commissioner for purpose of asking the attorneys or persons sponsoring comments 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.

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.

The Commission initiates the rulemaking proceeding in Docket No. 02-009-R, effective October 25, 2002. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

_____	B. Ackerman	_____	T. Schueck
_____	G. Black	_____	J. Shannon
_____	B. Bush	_____	L. Sickel
_____	H. Durham	_____	W. Thompson
_____	D. Featherstone	_____	S. Varnell
_____	J. Hill	_____	R. Young
_____	R. Mathis		

Chair

SUBMITTED BY: Randy Young DATE PASSED: 10/25/02