

Exhibit F:

Proposed Minute Order

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate
Rulemaking - Regulation No. 9**

Docket No. 16-006-R

MINUTE ORDER NO. 16-

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On September 9, 2016, the Arkansas Department of Environmental Quality (ADEQ) filed a Petition to Initiate Rulemaking to Amend Regulation No. 9: Fee Regulation. The Petition has been designated as Docket No. 16-006-R.

The Commission met on September 23, 2016, to review the Petition, and the Commission institutes a rulemaking proceeding to consider adopting the proposed amendments to Regulation No. 9. The Commission also recommends adoption of the following procedures and schedule:

1. The Department shall file an original and three (3) copies and a computer disk with pdf copies of all documents along with a copy of the minute order in Word required under this Minute Order. This requirement does not apply to transcripts.

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

3. A public hearing shall be conducted on October 18, 2016, at 10:00 a.m. in the APC&EC Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas.

4. The period for receiving all written comments shall conclude ten (10) business days after the date of the public hearing, at 4:30 p.m. on November 1, 2016, unless an extension of time is granted.

5. 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.

6. The Department shall file, not later than fourteen (14) days before the Commission meets to consider adoption of the proposed rule, a Statement of Basis and Purpose and Responsive Summary as required by Reg.8.814 and Reg. 8.815. In addition, ADEQ shall file a proposed Minute Order deciding this matter.

7. The Commission may consider this matter at its February 2017 meeting. If the appropriate legislative committees do not complete review of the proposed rule by the above date, the Commission will consider the proposed amendments to the regulation after review by the appropriate legislative committees. Members of the Commission may ask questions of any persons that made oral or written comments.

8. At the Commission meeting, the presentation of oral statements and legal arguments will 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. At the discretion of the Chair, the one (1) hour oral statement period may be extended.

b. At the discretion of the Chair, an attorney representing one (1) or more individuals, a corporation or other legal entity may be permitted five (5) minutes to address the Commission.

c. ADEQ shall be permitted ten (10) minutes to address the Commission.

d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements who are present for any questions they have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

e. 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.

9. The Commission finds that Act 143 of 2007, as amended by Act 809 of 2011 and Act 759 of 2013, is not applicable.

The Commission initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS

_____	J. Bates	_____	M. Goggans
_____	L. Bengal	_____	B. Holland
_____	J. Chamberlin	_____	R. Reynolds
_____	J. Crow	_____	W. Stites
_____	J. Fox	_____	B. White
_____	C. Gardner	_____	A. Henry

R. Moss – Chair

SUBMITTED BY: Caleb Osborne

PASSED: _____