

Exhibit E:

Proposed Minute Order

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate
Rulemaking – Repeal
Regulation No. 14**

Docket No. 18-_____-R

MINUTE ORDER NO. 18-_____

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On November 5, 2018, the Arkansas Department of Environmental Quality (ADEQ) filed a Petition to Initiate Rulemaking to Repeal Regulation No. 14: Regulation and Administrative Procedures for the Waste Tire Program. The Petition has been designated as Docket No. 18-_____-R.

The Commission met on December 7, 2018, to review the Petition and institute a rulemaking proceeding to consider adopting the proposed amendments to Regulation No. 14. The Commission also recommends adoption for the following procedures and schedule:

1. ADEQ will file an original and three (3) copies and an electronic version of all materials required under this Minute Order.

2. ADEQ will publish notice of this rulemaking in a newspaper of general circulation for two (2) consecutive days.

3. A public hearing will be conducted on January 9, 2019, at 2:00 p.m. in the Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas.

4. The period for receiving all written comments concludes at 4:30 p.m. (Central Time) on January 25, 2019, unless an extension of time is granted. Persons submitting written public comments shall submit them to ADEQ. ADEQ will deliver public comments to the Commission Secretary within ten (10) business days after the close of public comments. ADEQ shall file a Responsive Summary before the proposed rule is submitted to the Legislative Council for review.

5. ADEQ shall seek review of the proposed rulemaking by the Joint Interim Committee on Public Health and Welfare and review and approval by the Administrative Rules and Regulations Subcommittee of Legislative Council. If the General Assembly is in session and chooses to review the proposed regulatory amendments, ADEQ may seek review by the designated committees and subcommittees.

6. After legislative review, ADEQ shall file with the Commission a Statement of Basis and Purpose as required by Reg.8.815. In addition, ADEQ shall file a proposed Minute Order deciding this matter.

7. The Commission may consider this matter at the July 2019 meeting or earlier if legislative review and approval is completed before that time. If the appropriate legislative committees do not complete review and approval of the proposed rule by this date, the Commission will consider the proposed amendments to the regulation after review and approval by the legislative committees. The Commission may ask questions of any persons who made oral or written comments.

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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 an oral 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 the provision of Reg.8.812 do not apply and an Economic Impact/Environmental Benefit Analysis is not required because this proposed regulation incorporates changes mandated by an Arkansas statute without substantive change. *See* Act 317 of 2017, the Used Tire Recycling and Accountability Act, Ark. Code Ann. § 8-9-401 et seq., that resulted in the creation and promulgation of Regulation No. 36 (Tire Accountability Program) that has rendered Regulation No. 14 obsolete.

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

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COMMISSIONERS

_____	L. Bengal	_____	B. Holland
_____	C. Colclasure	_____	D. Melton
_____	J. Fox	_____	S. Moss, Jr.
_____	M. Freeze	_____	W. Stites
_____	C. Gardner	_____	G. Wheeler
_____	M. Goggans	_____	B. White

_____ **SUBMITTED BY: Kevin White PASSED: _____**
R. Reynolds - Chair