

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 16: REGULATION OF) DOCKET NO. 17-___-R
THE STATE OF ARKANSAS FOR WASTE)
REDUCTION, REUSE, OR RECYCLING)
TAX CREDITS)**

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 16:
REGULATION OF THE STATE OF ARKANSAS FOR
WASTE REDUCTION, REUSE, OR RECYCLING TAX CREDITS**

Comes now the Arkansas Department of Environmental Quality (ADEQ), by and through Janelle Evyan, for its Petition to Initiate Rulemaking to Amend Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 16: Regulation of the State of Arkansas for Waste Reduction, Reuse, or Recycling Tax Credits, states:

1. ADEQ initiates this rulemaking pursuant to Ark. Code Ann. § 8-1-203(b)(1)(A) to incorporate statutory changes enacted by the General Assembly, including Acts 692 and 862 of 2015. These acts amend provisions of Title 26, Chapter 51, Subchapter 12, concerning Steel Mill Income Tax Incentives, including changes to definitions and eligibility requirements for the income tax credit and to allow carry-over of tax credits to subsequent years.

2. ADEQ also proposes revisions for inclusion in this rulemaking related to *de minimus* changes to the existing regulation to include correcting typographical, grammatical, formatting, and stylistic errors.

3. Kevin White, Associate Director for Business Enterprises, will be available to answer questions concerning this proposed rulemaking.

4. Exhibits attached to this petition and incorporated by reference include:
- A. A mark-up version of the regulation showing the proposed changes as Exhibit A;
 - B. A copy of the Governor’s approval as Exhibit B;

- C. A copy of the Legislative Questionnaire as Exhibit C;
- D. A copy of the Financial Impact Statement as Exhibit D; and
- E. A proposed Minute Order as Exhibit E.

5. Pursuant to Reg.8.812(A)(2) and (4), the provisions of Reg. 8.812 do not apply and an Economic Impact/Environmental Benefit Analysis is not required because this proposed regulation incorporates and adopts language of Arkansas state statutes without substantive change and otherwise only makes *de minimus* changes.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed amendments to Regulation No.

16.

Respectfully submitted,



Janelle Evyan
Attorney Specialist
Arkansas Department of Environmental Quality
501-682-0888
evyan@adeq.state.ar.us