

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 18, ARKANSAS AIR)
POLLUTION CONTROL CODE)**

DOCKET NO. 09-004-R

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 18, ARKANSAS AIR POLLUTION CONTROL CODE

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "Department").

On September 11, 2009, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 18, Arkansas Air Pollution Control Code. The revisions to the Arkansas Air Pollution Control Code are the result of an administrative need to clarify the process necessary to obtain Department authorization to conduct open burning and to resolve inconsistency in the language used for such practices within different sections of Regulation Number 18, Chapter 6. The proposed amendments to Regulation No. 18 were precipitated by the following:

Administrative Correction.

Amendment of Regulation No. 18 is necessary in order to keep the regulation consistent with the procedures regarding open burning that are currently in place within the Department and addressed in Reg. 18.603.

The areas addressed by the amendments proposed to the Commission are:

1. Legislative Changes.

(A) None.

2. Changes proposed by the Department.

(A) Changes made to Reg. 18.605 of Regulation Number 18. The proposed regulatory amendments seek to clarify the administrative process necessary to obtain Department authorization to conduct open burning and to resolve inconsistency in the language used for such practices within different sections of Regulation Number 18, Chapter 6. It is not the intention of ADEQ to issue a permit for open burning that would have to follow the administrative procedures required under Arkansas Pollution Control and Ecology Commission Regulation Number 8. Reg. 18.603 refers to the process as a "letter of authorization," whereas Reg. 18.605 uses the term "permit." The term "permit" found in Reg. 18.605 is therefore changed to "letter of authorization" which more accurately and appropriately describes the document and process utilized by the Department for these short term activities and does not imply that the permitting process described in Regulation Number 8 must be followed.

The Commission finds that the proposed revisions to Regulation No. 18 facilitate implementation of the air pollution control regulations administered by the Department, and that these rules are in the public interest.

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