
On September 14, 2018, the Arkansas Department of Environmental Quality, (“Department” or ADEQ) filed a Petition to Initiate Rulemaking to Amend Regulation No. 19, Regulations of the Arkansas Plan of Implementation for Air Pollution Control. Pursuant to Ark. Code Ann. §8-4-202(c), the Arkansas Pollution Control and Ecology Commission (APC&EC) has sixty (60) days in which to either institute rulemaking proceedings or to give written notice denying the petition for rulemaking.

The Commission met on September 28, 2018, to review the Petition. Having considered the Petition, the Commission hereby initiates the rulemaking proceeding into this docket. The Commission adopts, without modification, the procedural schedule set forth below:

1. The Department shall file an original and one (1) copy and a computer disk in Microsoft Word of all materials required under this Minute Order. This requirement does not apply to transcripts.
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 November 5, 2018, beginning at 2:00 p.m. in the APC&EC Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
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. November 19, 2018, 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.8.808 and Reg.8.815.
7. The Department shall file, not later than fourteen (14) days before the Commission meets to consider adoption of the proposed rule, a proposed Minute Order deciding this matter.

8. The Commission may consider this matter at its **January 2019** meeting. In the event 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 the Department and any persons who made oral or written comments.

9. At the regularly scheduled January 25, 2019 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. The Chair, in his discretion, may 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. Department legal counsel or other designated Department employees will be permitted ten (10) minutes in which to address the Commission.

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

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.

10. The Commission finds the requirements of Act 143 of 2007, as amended by Act 809 of 2009, is not applicable because it has been repealed by Act 759 of 2013.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate
Rulemaking-Regulation No. 19**

DOCKET NO. 18-006-R

MINUTE ORDER NO. 18-

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COMMISSIONERS

_____ L. Bengal
_____ C. Colclasure
_____ J. Fox
_____ M. Freeze
_____ C. Gardner
_____ M. Goggans

_____ B. Holland
_____ D. Melton
_____ S. Moss, Jr.
_____ W. Stites
_____ G. Wheeler
_____ B. White

Robert Reynolds, Chair

PASSED: _____, 2018

Submitted by: Stuart Spencer
Associate Director, Office of Air Quality, ADEQ