

MEMORANDUM

Date: January 7, 2019

To: Arkansas Pollution Control and Ecology Commission (“Commission”)

From: William Montgomery, Interim Associate Director, Office of Air Quality, Division of Environmental Quality

RE: Act 759 of 2013 Repeals Act 143 of 2007

The proposed changes to Regulation No. 19 submitted by the Division of Environmental Quality (“Division”) are exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because it has been repealed by Act 759 of 2013.

By repealing Act 143 requirements, Act 759 also exempts the Division from the requirement to prepare and send an economic impact statement to the Arkansas Economic Development Commission and a memo explaining whether a means exists to make the rule less costly for small business without compromising the objective of the rule.

Following the Commission’s recommendation, in light of the Governor’s Executive Order 15-02, the Division will perform an economic impact/environmental benefit analysis that will provide information on the impact of this proposed rulemaking and include this analysis in the petition to initiate rulemaking packet.