

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 21, ARKANSAS)
ASBESTOS ABATEMENT REGULATION)

DOCKET NO. 10-001-R

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 21, ARKANSAS ASBESTOS ABATEMENT REGULATION

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 February 12, 2010, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 21, Arkansas Asbestos Abatement Regulation. The proposed revisions to Regulation No. 21 are the result of numerous stakeholder meetings and a rigorous public process. The proposed amendments to Regulation No. 21 were precipitated by the following:

Stakeholder Input.

Amendment of Regulation No. 21 is necessary in order to improve the overall effectiveness and enforceability of asbestos abatement regulation and help ensure the proper training and efficient certification of asbestos workers in the state.

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

1. Legislative Changes.

(A) None.

2. Changes proposed by the Department.

(A) The proposed regulatory amendments to Regulation No. 21 seek to reduce most associated regulatory fees by 25%.

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(B) The proposed amendments will also require that air monitoring be conducted by an independent party who is not an employee of the firm doing the renovation, whereas currently the air monitoring can be conducted by an independent third party, or the firm doing the renovation.

(C) The proposed amendments will require individuals seeking certifications to submit a photograph for the purpose of identifying the individual and will require training providers to submit class photos.

(D) Other substantive changes include extending the timeframe for individuals to receive multicertificate discounts for additional certifications, issuing licenses for a 12 month period rather than have them expire every year on December 31st, and a clarification of how much liability insurance must be carried (\$1,000,000), what type of insurance, and a requirement that the insurance agent is licensed to do business in Arkansas.

(E) Additional proposed amendments include reformatting of the regulation to meet the Commission's current regulation formatting guidelines, as well as other stylistic and organizational changes to add clarification and specificity to the regulation. More detail concerning these changes can be found in the Responsive Summary for Regulation No. 21, Exhibit B.

The Commission finds that the proposed revisions to Regulation No. 21 facilitate implementation of the air pollution control regulations administered by the Department, and that these rules are in the public interest.

Prepared by:

ARKANSAS DEPARTMENT OF
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Exhibit A