

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 25 LEAD-BASED) DOCKET NO. 05-____-R
PAINT HAZARD REGULATION)

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 25,
LEAD-BASED PAINT-HAZARD REGULATION

The Arkansas Department of Environmental Quality (“ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 25, Lead-based Paint-hazard Regulation states:

1. The Department proposes this rulemaking to make the provisions of Regulation No. 25 consistent with State and Federal Law, to make the provisions conform stylistically with the other Commission Regulations, and to improve readability and ease of use by the citizens of the State of Arkansas.
2. Proposed regulatory amendments involve the following:
 - a. Changes in Chapter One, Section 25.102 :
 - (1.) Deleting the definitions of target housing and child-occupied facilities which are also defined in Chapter Two of the Regulation;
 - (2.) Making the list of lead-based paint activities conform to the list in Section 25.801 by adding lead-hazard skills;
 - b. Changes in Chapter Three, Section 25.305(C) and Chapter Four, Section 25.409(C) to conform to Ark. Code Ann. § 8-1-106(b)(1) by adding language which requires the completion of a disclosure statement and payment of an applicable fee;

c. Changes to conform to provisions of the Code of Federal Regulations, 40 CFR 745, Subpart L, Lead-Based Paint Activities which involve the following:

- (1.) Changing the Title of Regulation No. 25 to Lead-Based Paint Activities Regulations;
- (2.) Adding definitions to Chapter Two;
- (3.) Adding language to Section 25.402(B) to require risk assessors to successfully complete a licensed inspector training course;
- (4.) Adding language to Section 25.404 to require project designers to successfully complete a licensed supervisor training course;
- (5.) Adding language to Section 25.801 listing instances in which the work practice standards do not apply;
- (6.) Adding language to Section 25.804 to require additional testing for the presence of lead under certain circumstances;
- (7.) Adding language to Chapter Eight as follows:
 - (a.) to list the conditions which identify the presence of the following: lead-based paint, a paint-lead hazard, a dust-lead hazard, and a soil lead hazard;
 - (b.) to add a new section on recordkeeping;

d. Changes to Chapter Four to remove sections which imposed the January 1, 1999 deadline and involve the following:

- (1.) Deleting Section 25.401(A)(3) and deleting and reserving 25.405 regarding certification based upon prior training;

(2.) Deleting language in Section 25.403 regarding requirements for applicants for certification; and

e. General housekeeping changes to make the Regulation conform to the other Commission Regulations and to improve readability and ease of use by the citizens of the State of Arkansas.

3. Mike Porta, Assistant Chief of the Department's Air Division, and/or Deborah Pitts, attorney for ADEQ will be available to answer questions regarding this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A", a copy of the Legislative Questionnaire is attached as Exhibit "B", a copy of the Financial Impact Statement is attached as Exhibit "C", a copy of the Analysis of the Impact to Small Business is attached as Exhibit "D", a copy of the Economic Impact/Environmental Benefit Analysis is attached as Exhibit "E", a proposed Minute Order is attached as Exhibit "E", and all Exhibits are hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 25.

Respectfully submitted,

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BY: _____
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