

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF THE REPEAL OF)
REGULATION NO. 25, LEAD-BASED PAINT) DOCKET NO. 12-____-R
ACTIVITIES)

PETITION TO INITIATE RULEMAKING TO REPEAL REGULATION
NO. 25, LEAD-BASED PAINT ACTIVITIES

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Repeal Regulation No. 25, *Lead-Based Paint Activities*, states:

1. The Department requests that the Arkansas Pollution Control and Ecology Commission (hereinafter “the Commission”) initiate rulemaking to repeal Regulation No. 25, *Lead-Based Paint Activities*. Regulation No. 25 provides a framework for the regulation of lead-based paint activities by ADEQ. The repeal of Regulation No. 25 is being proposed in response to the Arkansas Lead-Based Paint-Hazard Act of 2011 enacted by the 88th General Assembly of the State of Arkansas. The Arkansas Lead-Based Paint-Hazard Act of 2011 transferred authority to regulate lead-based paint activities from ADEQ to the Arkansas Department of Health, and replaced the earlier Lead-Based Paint-Hazard Act of 1997, which originally authorized the adoption of Regulation No. 25.
2. The proposed changes to Regulation No. 25 are exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009, because the proposed repeal incorporates existing State law. As such, completion of an Economic Impact Statement and subsequent review by the Arkansas Economic Development Commission are not required.
3. Mike Bates or other Air Division staff from ADEQ will be available to answer questions concerning this proposed rulemaking. A mark-up version of Regulation No. 25 which shows

the proposed repeal is attached as Exhibit “A”, and is hereby incorporated by reference. A Legislative Questionnaire is attached as Exhibit “B”, and a Financial Impact Statement for the proposed revision is attached as Exhibit “C”, both of which are incorporated by reference. A memo regarding compliance with Act 143 of 2007 is attached as Exhibit “D”, and hereby incorporated by reference in place of an Economic Impact Statement. A copy of the Arkansas Lead-Based Paint-Hazard Act of 2011 is attached as Exhibit “E”, and a proposed Minute Order to Initiate Rulemaking is attached as Exhibit “F”; both are hereby incorporated by reference. This rulemaking is exempt from preparing an Economic Impact and Environmental Benefit Analysis required by Reg.8.812(A)(2) because the proposed repeal incorporates an existing Arkansas state statute without substantive change.

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

Respectfully Submitted,
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

By: _____

Mike Bates