

MEMORANDUM

To: Arkansas Pollution Control and Ecology Commission

From: Mike Bates, Chief, Air Division, Arkansas Department of Environmental Quality (“ADEQ”)

RE: Compliance with Act 143 of 2007

The proposed changes to Regulation No. 26 are exempt from the requirements of Act 143 of 2007, as amended by Act 809 of 2009. Please see the attached e-mail from ADEQ staff to Ms. Pat Brown of the Arkansas Economic Development Commission (“AEDC”). On September 12, 2012, the proposed rule changes (Exhibit “A,” of the Rulemaking Packet) were submitted to AEDC for review pursuant to Act 143 of 2007, as amended by Act 809 of 2009. As of September 28, 2012, more than ten (10) business days had passed, and there was no response from AEDC regarding this proposed rulemaking. At such time AEDC provides documentation of its review of the proposed changes to Regulation No. 26, ADEQ will supplement this memorandum by filing the response from AEDC with the Commission's Administrative Hearing Officer, and by placing an electronic copy of the response on the Commission's website.

Droke, Erika

From: Droke, Erika
Sent: Wednesday, September 12, 2012 1:39 PM
To: 'pbrown@arkansasedc.com'
Cc: Bates, Mike; Davis, Anthony; Sartain, Elizabeth; Jacobs, Flavia
Subject: Act 143: Review of APC&EC Regulation 26 proposed revisions
Attachments: A_PM25_Reg 26_MARKUP_9-11.pdf

Ms. Brown,

Please find attached Arkansas Pollution Control and Ecology Commission's proposed revisions to **Regulation Number 26** for review by the Arkansas Economic Development Commission. Because the proposed revisions to Regulation No. 26 serve to codify existing Federal law, this rulemaking is exempt from completion of an Economic Impact Statement pursuant to Act 143 of 2007.

Changes to this air pollution control regulation were made in order to implement the United States Environmental Protection Agency's current National Ambient Air Quality Standards ("NAAQS") for PM2.5, PM10, ozone, lead, carbon monoxide, nitrogen dioxide, and sulfur dioxide.

Please do not hesitate to contact me should you have any questions or comments.

Thank you for your time,

Erika Droke
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