

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION**

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 29, BROWNFIELDS)
REDEVELOPMENT)**

DOCKET NO. 05-__-R

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 29,
BROWNFIELDS REDEVELOPMENT**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 29, Brownfields Redevelopment, states:

1. Act 1164 of 2005 amended the Arkansas Voluntary Clean-Up Act (A.C.A. §§ 8-7-1101 et seq.) to include provisions for the eligibility and inclusion of “abandoned residential properties” under the provisions of the Voluntary Clean-Up Act. ADEQ now seeks to incorporate these provisions into Regulation No. 29 by adding a provision for abandoned residential properties at Section 29.102(A); inserting a definition for “residential property” at Section 29.301(H); adds “residential properties” to those real properties which are eligible to participate in the Brownfields program, and adds “residential” to the eligible re-use or redevelopment uses at Section 29.401(A). These revisions are substantially the same as set forth in the statutory language revised by Act 1164.

2. *Compliance with Executive Order 05-04:* Regulation No. 29 addresses the State’s program for the reclamation and redevelopment of abandoned commercial industrial, residential, and agricultural properties and sets forth the process for obtaining relief from liability for past environmental contamination for prospective purchasers who will remediate and redevelop these sites. The revisions contained in this Petition substantially

codify existing State law, enacted by Act 1164 of the 2005 General Assembly. As such, they are not subject to the provisions of Sections 3-5 of Executive Order 05-04.

3. Mike Bates, Chief, Hazardous Waste Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the initial Statement and Basis of Purpose is attached at Exhibit "B". A copy of the completed economic impact/environmental benefit analysis pursuant to Regulation No. 8.3.5.2 is attached at Exhibit "C." The questionnaire for filing proposed rules and regulations with the Arkansas Legislative Council and Joint Interim Committee is attached at Exhibit "D." The legislative Financial Impact Statement is attached at Exhibit "E." A proposed Minute Order which initiates this request is attached at Exhibit "F."

WHEREFORE, the ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 29.

Respectfully submitted,

MIKE BATES
Chief, Hazardous Waste Division
Arkansas Department of Environmental Quality
(501) 682-0831