

**EXHIBIT A**

**STATEMENT OF BASIS  
AND PURPOSE**

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

**IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 29 ) DOCKET NO. 14-005-R**

**STATEMENT OF BASIS AND PURPOSE**  
**FOR REGULATION NO. 29, ARKANSAS BROWNFIELDS REDEVELOPMENT**

The Arkansas Pollution Control and Ecology Commission (the “Commission”) is given the power and responsibility to promulgate rules and regulations. Under 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 August 22, 2014, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 29, Arkansas Brownfields Redevelopment. The revisions to Regulation No. 29 are to change the title of the Regulation, to amend certain sections of the Regulation to make it consistent with the statute and to make minor stylistic and formatting corrections throughout the Regulation.

The proposed regulatory amendments precipitated by the above-referenced Act involves the following:

- a. To change the title from Regulation No. 29, Arkansas Brownfields Redevelopment to Regulation No. 29: Arkansas Brownfield Redevelopment.
- b. To amend Reg. 29.101 to read, “The following rules and regulations of the Arkansas Pollution Control and Ecology Commission, adopted pursuant to the provisions of the Arkansas Hazardous Waste Management Act of 1979 (Act 406 of 1979, as amended, Arkansas Code Annotated (A.C.A.) § 8-7-201 *et seq.*), the

Arkansas Remedial Action Trust Fund Act of 1985 (Act 479 of 1985, as amended, A.C.A. § 8-7-501 *et seq.*), and the Arkansas Voluntary Clean-Up-Act (Act 1042 of 1997, as amended, A.C.A. § 8-7-1101 *et seq.*) shall be known as APC&EC Regulation No. 29, Brownfield Redevelopment.”

- c. To amend Reg.29.401(A)(3) to read, “Will reuse or redevelop the property for industrial, commercial, agricultural, or residential uses which will sustain or create employment opportunities or otherwise augment the local and/or state economy and tax base, or both; or”
- d. To amend Reg.29.402 in order to replace “Brownfields” with “Brownfield”.
- e. To amend Reg.29.501 to read, “The public shall be provided notice of the proposed remedy at a Brownfield site and given the opportunity to comment and request a public hearing prior to the ADEQ making a final remedy determination.”
- f. To amend Reg.29.502 to read, “ADEQ shall follow APC&EC Regulation No. 8 in providing for public participation and input on the remedy selection.”
- g. To amend Reg.29.801 to read, “This Regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.”
- h. To make minor stylistic and formatting corrections throughout the Regulation to make the Regulation consistent with the program requirement of Ark. Code Ann. § 8-7-1101 *et seq.*, and with the APC&EC Regulation Formatting and Drafting Guidelines.

On August 6, 2014, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 29 to incorporate these changes. At its regularly scheduled meeting on August 22, 2014, the Commission initiated this rulemaking on Regulation 29. A public hearing was held in North Little Rock, Arkansas on September 30, 2014. The public comment period expired on October 14, 2014. One written comment was received from Mary M. Cameron, Bureau of Legislative Research. Ms. Cameron inquired as to why the connector “and” had been changed to “or” in Section 29.401(a) which outlines to whom Regulation No. 29 applies. However, in Ark. Code Ann. § 8-7-1104(a) from which the regulation was taken, the code uses “and”. The Department acknowledged the comment and corrected the clerical error. A revised Mark-Up Draft of Regulation 29 was provided to the Commission. The error occurred in the Mark-Up Draft only, therefore no changes to the initiated rulemaking were proposed.

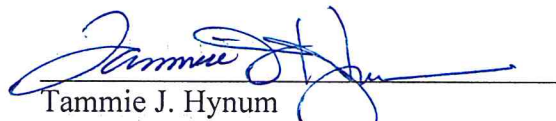
Regulation 29 and this rulemaking contain no technical standards which must be addressed pursuant to APC&EC Reg.8.815(A)(1)(ii).

The Commission finds that the proposed revisions to Regulation No. 29 incorporate clarifying language and are of public interest.

Respectfully submitted,

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
5301 Northshore Drive  
North Little Rock, AR 72118

By:

  
Tammie J. Hynum  
Chief, Hazardous Waste Division  
(501) 682-0831  
hynum@adeq.state.ar.us