

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 29, REGULATIONS)
FOR THE ARKANSAS BROWNFIELDS)
REDEVELOPMENT)**

DOCKET NO. 14-005-R

RESPONSE TO COMMENTS

On August 22, 2014, the Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC”) passed Minute Order 14-26, which initiated rulemaking procedures for amendments to APC&EC Regulation No. 29, Arkansas Brownfields Redevelopment. A public hearing on the proposed changes was held on September 30, 2014. The public comment period closed on October 14, 2014.

One comment was received during the public comment period. This comment is set out below with the Department’s response following:

Comment #1:

In Section 29.401(a) which outlines to whom Regulation No. 29 applies, the connector “and” has been changed to “or”. However, in Ark. Code Ann. 8-7-1104(a) from which the regulation was taken, the code uses “and”. Why was this change made in the Regulation when no change has been made in the law?

Comment Received From: Mary M. Cameron, Bureau of Legislative Research.

Response:

The Department acknowledges this comment and agrees. The connector “and” in Reg.29.401(A)(2) was incorrectly stricken and “or” was added. The “or” should have been placed at the end of Reg.29.401(A)(3). A revised Mark-Up Draft of Regulation 29 will be provided.