

EXHIBIT D:

**Compliance with
Act 143 of 2007**

Compliance with Act 143 of 2007 (formerly Executive Order 05-04)

Act 143 of 2007 requires that “[b]efore submitting proposed rules for adoption, amendment, or repeal, the agency shall first determine whether the proposed rules affect small businesses.” The agency shall consider “whether a means exists to make the rules less costly for small businesses without compromising the objective of the rules.” If the agency determines that the proposed rule will affect small businesses, the agency must prepare an economic impact statement in accordance with Act 143 of 2007.

The Act is not applicable to rules that are federally mandated, or that substantially codify existing state or federal laws. A.C.A. § 8.7.509(f)(1) requires the Department to annually update the state priority list of hazardous substance sites eligible for investigation and remedial actions through use of moneys from the Remedial Action Trust Fund. ADEQ is explicitly required by this state statute to update Regulation No. 30 at least annually. Therefore, ADEQ determines that Act 143 of 2007 is not applicable to this proposed rule because the amendments to Regulation No. 30 included in this proposed rulemaking substantially codify existing state law. (Ark. Code of 1987, Ann., § 25-15-302(a)(1)(C)).

A copy of this rulemaking petition and all attachments was provided to the Arkansas Department of Economic Development via e-mail on September 25, 2009.