

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF )  
REGULATION NO. 32, ENVIRONMENTAL ) DOCKET NO. 06- -R  
PROFESSIONAL CERTIFICATION )

PETITION TO INITIATE RULEMAKING TO ADOPT REGULATION NO. 32,  
ENVIRONMENTAL PROFESSIONAL CERTIFICATION

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), for its Petition to Initiate Rulemaking to Adopt Regulation No. 32, Environmental Professional Certification, states:

1. Arkansas Code Annotated (A.C.A.) 8-7-1301 et seq. (Act 2141 of 2005) was passed during the 2005 Legislative Session. A.C.A. 8-7-1310(b) requires the Commission to adopt regulations for the administration and implementation of a certification program for contractors and consultants. The Department proposes this rulemaking to promulgate regulations in accordance with the requirements of the statute.
2. A detailed discussion of the regulation is provided in the Statement of Basis and Purpose attached as Exhibit “B.”
3. *Compliance with Executive Order 05-04:* Regulation No. 32 addresses certification of environmental professionals and therefore the provisions of this Regulation ultimately affect small businesses in Arkansas. The regulations contained in this Petition substantially codify existing State statute. As such, they are not subject to the provisions of Sections 3-5 of Executive Order 05-04. An overview of the projected impact of this regulation is included in the Statement of Basis and Purpose at Exhibit “B” and in the Economic Impact/Environmental Benefit Analysis at Exhibit “C.”

4. Mike Bates, Chief, Hazardous Waste Division, will be available to answer questions concerning this proposed rulemaking. The regulation 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 Regulation No. 32.

Respectfully submitted,

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