

**EXHIBIT B:**

**RESPONSIVENESS SUMMARY**



<b>TO:</b>	Arkansas Pollution Control & Ecology Commission
<b>FROM:</b>	J. Ryan Benefield, P.E., Chief, Hazardous Waste Division
<b>DATE:</b>	October 15, 2007
<b>SUBJECT:</b>	Responsive Summary: APC&EC Regulation No. 32, Environmental Professional Certification, Docket No. 07-008-R

The Arkansas Pollution Control and Ecology Commission initiated a proposal to revise APC&EC Regulation No. 32, *Environmental Professional Certification*, at its regular meeting on May 25, 2007, under docket number 07-008-R.

A public hearing was held at Little Rock on July 31, 2007 to receive comments on the proposed revisions. No comments were received at the public hearing. One written comment was received following the close of the public hearing.

*Public Comments:* One anonymous comment was received via e-mail from the Department's web site prior to the end of the comment period:

-----Original Message-----

From: web.site@adeqinternal.state.ar.us

[mailto:web.site@adeqinternal.state.ar.us]

Sent: Tuesday, August 14, 2007 9:02 AM

To: Help-POA

Subject: Questions/Comments\_Web\_Submission:\_#1187100140359

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\*\*\*\*\*E-Mail\_Address:

Name:

Mailing\_Address:

City\_State\_Zip:

Phone\_Number:

H\_Division: POA

H\_Serial: 1187100140359

Date: 08/14/2007

Time: 08:49:03

Questions\_Comments:

As an environmental consultant, I work throughout the USA. Your Environmental Professional (EP) Certification regulations are nothing more than protectionist legislation and a means to shake down the EP for cash. I have no problem with the Federal standard in AAI which defines an EP. That should suffice for any Phase I performed in Arkansas. I can see a difference in drilling and sampling requiring a PE or PG registered in any state. The State of Arkansas has found a way to get \$200 from the environmental consultants across the USA. The last thing we need are more restriction and more regulations in an area that is already difficult to make a living in. In addition 60 days is way too long for the process. When I get an assignment, I have less

*than 1 week to look at the site. This slow process is typical of a State agency that they can't process a simple form in a week but needs 60 days. State Agencies need to wake up and try working for a living like the rest of us.*

ADEQ responds that the revisions to Regulation No. 32 proposed in this rulemaking will eliminate the burdensome requirements of which the commenter complains.

*Internal review:* In internal review and editing of the draft Regulation, the language at Section 32.607(A)(3) was stricken. This provision would require that an environmental professional's certification of an assessment report would need to include his or her certificate number. As the Department will no longer be issuing numbered certificates, or certificates under this program, there is no need to require that an EP provide a state or other certificate number. This revision does not substantively affect the scope and intent of these proposed revisions.