

On January 30, 2013, the Arkansas Department of Environmental Quality, (“ADEQ”) filed a Petition to Initiate Rulemaking to Amend Regulation No. 2, Regulations Establishing Water Quality Standards for Surface Waters of the State of Arkansas. Pursuant to Ark. Code Ann. § 8-4-202(c), the Arkansas Pollution Control and Ecology Commission (“Commission”) has sixty (60) days in which to either institute rulemaking proceedings or to give written notice denying the petition for rulemaking. The Petition has been designated as Docket No. 13-003-R.

The Commission’s Regulations Committee met on February 22, 2013, to review the Petition and it recommends that the Commission institute a rulemaking proceeding to consider adopting the proposed amendments to Regulation No. 2. The Regulations Committee also recommends adoption of the following procedures and schedule.

1. The Arkansas Department of Environmental Quality (“ADEQ”) shall file an original and one (1) copy and an electronic copy of all materials required under this Minute Order. This requirement does not apply to transcripts.

2. Persons submitting written public comments shall submit them to ADEQ and ADEQ will deliver the originals of all comments to the Commission Secretary at the conclusion of the proceeding.

3. Four public hearings shall be conducted as follows:

- Jonesboro – April 15, 2013; 6:00 p.m. – Allen Park Community Center
- Fayetteville – April 18, 2013; 6:00 p.m. – Fayetteville City Administration Building, Room 219
- El Dorado – April 22, 2013; 6:00 p.m. – South Arkansas Community College, East Campus, Workforce Development Building
- North Little Rock – April 24, 2013; 2:00 p.m. – ADEQ Headquarters, Commission Room

4. The period for receiving all written comments shall conclude ten (10) business days after the date of the final public hearing, unless an extension of time is granted.

5. ADEQ shall file, not later than 14 days before the Commission meets to consider adoption of the proposed regulation, a Statement of Basis and Purpose and Responsive Summary as required by Regs. 8.814 and Reg. 8.815. In addition, ADEQ shall file a proposed Minute Order deciding this matter.

6. ADEQ shall seek review of the proposed rule from the Joint Interim Committee on Public Health and Welfare and/or from the Joint Interim Committee on Administrative Rules and Regulations.

7. The Regulations Committee and the Commission may consider this matter at their November 2013 meeting. In the event the appropriate legislative committees do not complete review of the proposed rule by the above date, the Regulations Committee and the Commission will consider the proposed amendments to the regulation after review by the appropriate legislative committees. Members of the Regulations Committee may ask questions of any persons that made oral or written comments and it will make a recommendation to the Commission.

8. At the Commission meeting, the presentation of oral statements and legal arguments will be regulated as follows:

a. The Chair of the Commission will permit members of the public to make a statement to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. At the discretion of the Chair, the one (1) hour oral statement period may be extended.

b. At the discretion of the Chair, an attorney representing one or more individuals, a corporation or other legal entity may be permitted five (5) minutes in which to address the Commission.

c. ADEQ shall be permitted ten (10) minutes in which to address the Commission.

d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements who are present, any questions they may have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

After each Commissioner has had an opportunity to ask questions, the Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to
Initiate Rulemaking -
Regulation No. 2**

MINUTE ORDER NO. 13-12



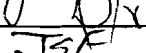
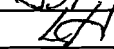
Docket No. 13-003-R


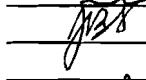
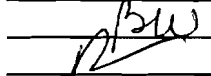
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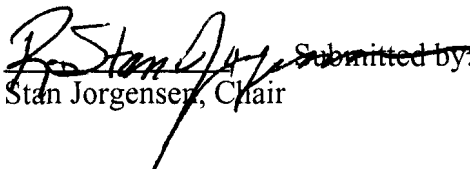
9. Pursuant to Act 143 of 2007, the Commission finds the proposed regulation does not affect small businesses.

The Commission accepts the recommendation of the Regulations Committee and initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

	J. Bates
_____	L. Bengal
	J. Chamberlin
	D. Hendrix
	J. Fox
	L. Hitchcock

_____	D. Samples
	L. Sickel
	J. Simpson
_____	W. Thompson
	B. White
_____	R. Young

 Submitted by: Jamie Ewing
Stan Jorgensen, Chair

DATE PASSED: February 22, 2013