

MEMORANDUM

To: Arkansas Pollution Control and Ecology Commission

From: Mike Bates, Chief, Air Division, Arkansas Department of Environmental Quality *MB*

Date: November 18, 2011

RE: Compliance with Act 143 of 2007

Please see the attached Economic Impact Statement (Exhibit D of the Rulemaking Packet) and the attached email from Ms. Rebecca McDaniel to Ms. Pat Brown of the Arkansas Economic Development Commission (AEDC). On November 16, 2011, Ms. McDaniel properly submitted the proposed rule changes to AEDC for review pursuant to Act 143 of 2007. As of the date of this filing there has been no response from AEDC in regards to this issue. At such time as AEDC provides documentation of its review of the rule, the Department of Environmental Quality will supplement this memorandum by filing the response from AEDC with the Commission's Administrative Hearing Officer and placing a scanned copy of the response on the Commission's website.

McDaniel, Rebecca

From: McDaniel, Rebecca
Sent: Wednesday, November 16, 2011 3:10 PM
To: 'pbrown@arkansasedc.com'
Cc: Bates, Mike; Sartain, Elizabeth
Subject: Regulation Number 9 Amendments
Attachments: Regulation 9, EIS for AEDC 11-16-2011.pdf; Draft Regulation 9 11-16-2011.pdf

Ms. Brown,

The Arkansas Department of Environmental Quality (“ADEQ”) is proposing revisions to the Arkansas Pollution Control and Ecology Commission’s Regulation Number 9, Fee Regulation.

The proposed regulatory amendments to Regulation Number 9 are listed below:

1. Substantive changes under section 9.502 exclude carbon dioxide and methane from being chargeable emissions under air permit fees.
2. Minor typographical errors have been corrected within the body of the regulation. A blank extra page labeled 5-4 has been deleted, page numbers have been added to the table of contents, and a numbering error has been corrected under section 9.503(B).

ADEQ plans to petition the Arkansas Pollution Control and Ecology Commission to initiate rulemaking for each of these regulation amendments at the Commission meeting on December 2, 2011. Pursuant to Act 143 of 2007, please find the attached mark-up copy of ADEQ’s proposed revisions to Regulations Number 9 and the associated Economic Impact Statement of Proposed Rules or Regulations.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you require anything further.

Sincerely,

Rebecca McDaniel
Air Division, ADEQ
501.682.0056