TO: Arkansas Pollution Control and Ecology Commission
FROM: Mike Bates, Chief, Air Division
THROUGH: Legal Division
DATE: October 9, 2009
SUBJECT: Revision to Regulation Number 18, Arkansas Air Pollution Control Code
APC&E Commission Docket #09-004-R

This memo is intended to supplement the Regulation 18 packet that was filed with the Commission and initiated for rulemaking on September 25, 2009.

When rulemaking for Regulation 18 was initiated, the Department had not received an opinion from the Arkansas Economic Development Commission (AEDC) as to whether this revision impacted small businesses. Attached to this memo is a reply from AEDC postmarked October 7, 2009, stating that the Department has indeed taken sufficient steps to protect the interests of small businesses within the state.

We request to amend the initiation packet to reflect this addendum.
July 9, 2009

Mike Bates
Program Coordination Section Manager
Arkansas Department of Environmental Quality
Air Division
5301 Northshore Drive
North Little Rock, AR 72118-5717

Re: Amendment to the Arkansas Pollution Control and Ecology Regulation 18, Arkansas Air Pollution Control Code

Dear Mr. Bates,

Per Act 143 of 2007, I have reviewed the proposed Amendment to the Arkansas Pollution Control and Ecology Regulation 18, Arkansas Air Pollution Control Code and the financial impact statement. Arkansas Code § 25-15-302(d)(1) of Act 143 requires me to determine if you have “taken sufficient measures to balance the objectives of the proposed rules with the interests of the impacted small businesses”.

It is my determination that in drafting proposed Amendment to the Arkansas Pollution Control and Ecology Regulation 18, Arkansas Air Pollution Control Code you have taken sufficient steps to protect the interests of the impacted small businesses.

Please feel free to contact me with any questions regarding this matter. I can be reached at (501) 682-2559 or pbrown@arkansasedc.com.

Sincerely,

Patricia Brown
Division Director
Small and Minority Business

PB/cm