BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF REGULATION NO. 29  ) DOCKET NO. 14-005-R

MOTION TO ADOPT AMENDMENTS TO REGULATION NO. 29

Comes now the Arkansas Department of Environmental Quality ("ADEQ" or "Department"), by and through the Chief of the Hazardous Waste Division, Tammie J. Hynum, and for its Motion to Adopt Amendments to Regulation No. 29, states:

1. On August 22, 2014, the Arkansas Pollution Control and Ecology Commission (hereinafter "APC&EC" or "Commission") granted ADEQ’s Petition to Initiate Rulemaking to Amend Regulation No. 29.

2. A public hearing was held at ADEQ Headquarters in North Little Rock, Arkansas on September 30, 2014. The public comment period ended on October 14, 2014. One written comment was submitted.

3. The written comment was received from Mary M. Cameron, Bureau of Legislative Research. Ms. Cameron inquired as to why the connector “and” had been changed to “or” in Section 29.401(A) which outlines to whom Regulation No. 29 applies. However, in Ark. Code Ann. § 8-7-1104(a) from which the regulation was taken, the code uses “and”.

4. The Department acknowledged the comment of Ms. Cameron and the clerical error was corrected by reinstating the “and” connector and placing an “or” at the end of Reg.29.401(A)(3) in order to have consistent language between the Statute and Regulation. A revised Mark-Up Draft of Regulation 29 was provided to the
Commission. This error occurred in the Mark-Up Draft only, therefore no changes to
the initiated rulemaking were proposed.

5. ADEQ filed its Response to Comments before the Commission on October 20, 2014.

6. Pursuant to APC&EC Reg.8.814, ADEQ submits the following documents supporting
adoption of the regulation to the Commission for its consideration:

a. Exhibit A – Statement of Basis and Purpose

b. Exhibit B – Responsive Summary

c. Exhibit C – Final Proposed Regulation

d. Exhibit D – Regulation Tracking Sheet

e. Exhibit E – Proposed Minute Order to Adopt

WHEREFORE, ADEQ prays that the Commission adopt the Proposed Minute Order
adopting the amendments to Regulation No. 29.

Respectfully submitted,

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