

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY: Arkansas Department of Environmental Quality

DIVISIONS: Water Division

DIVISION DIRECTOR: Steve Drown, Division Chief, Water Division

CONTACT PERSON: Mary Leath

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INSTRUCTIONS

- A. Please make copies of this form for future use.**
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.**
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.**
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:**

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? Liquid Animal Waste Management Systems
- 2. What is the subject of the proposed rule?
This rule will amend regulations governing the permitting of liquid animal waste management systems
- 3. Is this rule required to comply with federal statute or regulations? Yes _____ No X
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No X

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? It remains in effect until revised.

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*

7. What is the purpose of this proposed rule? Why is it necessary?
The purpose of the proposed amendments to Regulation No. 5 is to update and clarify portions of this regulation. It has been many years since Regulation No. 5 was updated and the proposed changes will bring the regulatory requirements in line with current on-farm practices and procedures implemented by ADEQ in other permitting programs.

8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:

Date: The week of December 4, 2007. The exact date will be determined by ADEQ's Public Outreach and Assistance Division.

Time: The exact time will be determined by ADEQ's Public Outreach and Assistance Division.

Place: Commission Room, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas.

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)
The period for receiving all written comments shall conclude ten (10) business days after the public hearing pursuant to Regulation No. 8, Part 3, Section 3.2.3. The projected date for the close of public comment period will be approximately December 18, 2007.

10. What is the proposed effective date of this proposed rule? (Must provide a date.)
10 days after filing with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research.

11. Do you expect this rule to be controversial? Yes _____ No X If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.
Arkansas Farm Bureau, poultry and hog producers, Arkansas Natural Resources Commission, USDA Natural Resources Conservation Service, University of Arkansas Extension Service. Representatives of these groups provided input in the development of the proposed amendments and should be supportive of the changes.

Summary of Proposed Rule

- a. Significant revisions are proposed for the portions of the regulation that concern the permit application and modification process. The Department proposes to revise the permit application process to correspond with the process found in Arkansas Pollution Control and Ecology Commission Regulation No. 8, Administrative Procedures, which governs other permits issued by the Department. The proposed amendments will also clarify which permit modifications will be deemed minor modifications and will not require a public notice and comment period.
- b. The proposed amendments will provide for testing and review procedures to ensure appropriate updates to the waste management plan for the permitted facilities.
- c. The proposed revisions will clarify certain record-keeping requirements that will allow more flexibility to the permit holder, while still providing data to the Department to ensure the waste management plan is protective of the environment.