

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 5: LIQUID ANIMAL) **DOCKET NO. 19-002-R**
WASTE MANAGEMENT SYSTEMS)

Exhibit A – Statement of Basis and Purpose

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 5: LIQUID ANIMAL) **DOCKET NO. 19-002-R**
WASTE MANAGEMENT SYSTEMS)

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE

The Arkansas Pollution Control and Ecology Commission (“Commission”) is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes that are administered by the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ).

DEQ filed a Petition to Initiate Rulemaking on Regulation No. 5 on July 17, 2019, to incorporate the state regulatory amendments set forth in Acts 315 and 910 of 2019; make permanent the moratorium on confined animal operations of a certain size in the Buffalo River Watershed; and make minor, non-substantive stylistic and formatting corrections throughout the regulation. The Commission approved the Petition to Initiate Rulemaking at its July 26, 2019 meeting.

The proposed regulatory amendments include the following:

- a. Amendments to incorporate Acts 910 and 315 of 2019 of the Arkansas General Assembly that amend the name of ADEQ and references to rules;
- b. Amendment to make permanent the moratorium on confined animal operations of a certain size in the Buffalo River Watershed; and

- c. Minor, non-substantive stylistic and formatting corrections throughout the regulation.

Public notice of the proposed rulemaking for Regulation No. 5 was published statewide on August 3 and 4, 2019, in the Arkansas Democrat-Gazette. Publication of that notice began the public comment period, and a public hearing was held on August 23, 2019, to receive comments on the proposed rule changes to Regulation No. 5. The public comment period closed on September 22, 2019.

At its regularly scheduled meeting on October 24, 2019, the Commission unanimously passed a motion to reopen the public comment period for both rulemaking dockets and provided an additional 90 days, from October 24, 2019, until January 22, 2020, for submission of additional comments by the public.

The public comment record for the proposed Rule contains comments from approximately 1719 commenters. The majority of those comments (approximately 70%) were in favor of the proposed changes.

The proposed changes to Regulation No. 5 contain no technical standards that must be addressed pursuant to Regulation 8.815(A)(1)(ii). These rules are in the public interest.

Respectfully Submitted,

By: 

Basil V. Hicks III
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72218
(501) 682-0884
hicks@adeq.state.ar.us