

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Petition to Initiate
Rulemaking - Regulation No. 5**

MINUTE ORDER NO. 19-12

Docket No. 19-002-R

PAGE 1 OF 3

On July 17, 2019, the Division of Environmental Quality (DEQ) filed a Petition to Initiate Rulemaking to Amend Regulation No. 5: Liquid Animal Waste Management Systems. The Petition has been designated as Docket No. 19-002-R.

The Commission met on July 26, 2019, to review the Petition and institute a rulemaking proceeding to consider adopting the proposed amendments to Regulation No. 5. The Commission also recommends adoption of the following procedures and schedule:

1. DEQ will file an original and one (1) copy and a computer disk in Word of all materials required under this Minute Order.
2. DEQ will publish notice of this rulemaking in a newspaper of general circulation for two (2) consecutive days.
3. A public hearing will be conducted on August 23, 2019, at 2:00 p.m. in the Commission Room, 5301 Northshore Drive, North Little Rock, Arkansas.
4. The period for receiving all written comments concludes ten (10) business days after the date of the public hearing, at 4:30 p.m. on September 3, 2019, unless an extension of time is granted. Persons submitting written public comments shall submit them to DEQ. DEQ will deliver public comments to the Commission Secretary within ten (10) business days after the close of public comments.
5. DEQ shall seek review of the proposed rule from the Joint Interim Committee on Public Health and Welfare and from the Administrative Rules Subcommittee of Legislative Council. If the General Assembly is in session and chooses to review the proposed rule amendments, ADEQ may seek review by the designated committees and subcommittees.
6. After legislative review, DEQ shall file with the Commission a Statement of Basis and Purpose and Responsive Summary as required by Reg. 8.814 and Reg. 8.815. In addition, DEQ shall file a proposed Minute Order deciding this matter.
7. The Commission may consider this matter at their October 25, 2019 meeting. If the appropriate legislative committees do not complete review of the proposed rule by this date, the Commission will consider the proposed amendments to the rule after review by the legislative committees. The Commission may ask questions of any persons who made oral or written comments.
8. At the Commission meeting, the presentation of oral statements and legal

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PAGE 2 OF 3

arguments will be regulated as follows:

- a. The Chair of the Commission will permit members of the public to make a statement to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. At the discretion of the Chair, the one (1) hour oral statement period may be extended.
- b. At the discretion of the Chair, an attorney representing one (1) or more individuals, a corporation, or other legal entity may be permitted five (5) minutes to address the Commission.
- c. DEQ shall be permitted ten (10) minutes to address the Commission.
- d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements who are present for any questions they have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.
- e. After each Commissioner has had an opportunity to ask questions, the Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

9. The Commission finds that the provisions of Reg. 8.812 do not apply and an Economic Impact/Environmental Benefit Analysis is not required because this proposed regulation fulfills the requirement of Reg. 5.901(E) to make the watershed specific rules permanent or remove those specific rules and otherwise only makes minor changes.

The Commission hereby initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

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Rulemaking - Regulation No. 5

MINUTE ORDER NO. 19-12

Docket No. 19-002-R

PAGE 3 OF 3

COMMISSIONERS:

<u>LB</u>	L. Bengal
<u>AB</u>	A. Bigger
	C. Colclasure
<u>JF</u>	J. Fox
<u>MUF</u>	M. Freeze
<u>MMA</u>	M. Goggans
<u>DH</u>	D. Haak

<u>AB</u>	B. Holland
<u>RM</u>	R. McMullen
<u>DM</u>	D. Melton
<u>SM</u>	S. Moss, Jr.
<u>RR</u>	R. Reynolds
<u>Roper</u>	R. Roper
<u>WW</u>	W. Ward
	B. White

RR
R. Reynolds - Chair

SUBMITTED BY: Basil Hicks

DATE PASSED: 07/26/19