



December 18, 2024

Senator Kim Hammer, Co-Chair  
Representative Brian Evans, Co-Chair  
ALC – Administrative Rules  
Arkansas Legislative Council  
1 Capitol Mall  
Little Rock, AR 72201

Dear Senator Hammer and Representative Evans,

The Arkansas Department of Energy and Environment (ADE&E) and the Arkansas Department of Agriculture (ADA) jointly submit this request in reference to two rules currently on the ALC-Administrative Rules Subcommittee of the Arkansas Legislative Council agenda for Thursday, December 19, 2024. Specifically, the two rules include an amendment to Arkansas Pollution Control and Ecology Commission “Rule No. 6: Rules for State Administration of the National Pollutant Discharge Elimination System (NPDES)” and promulgation of the Department of Agriculture’s Rule for “Liquid Animal Waste Management Systems.”

Pursuant to Act 824 of 2023, codified at Ark. Code Ann. § 15-20-102, the Departments previously sought to implement the transfer of certain rule authorities over liquid animal waste management systems from ADE&E to ADA. On November 14, 2024, the two above-styled rules did not receive the review necessary for completion of the promulgation process. Because it is the understanding of the Departments that further efforts may be necessary to properly transfer relevant rules, we respectfully request removal of the rules from the ALC-Administrative Rules agenda until further notice.

In accordance with Act 824 of 2023, the Department of Agriculture will continue to utilize the current Pollution Control and Ecology Commission Regulation No. 5 (Liquid Animal Waste Management Systems) until the Department is able to review and promulgate rules under § 15-20-102 to replace Regulation No. 5.

Respectfully,

A handwritten signature in black ink, appearing to read "Shane E. Khoury".

Shane E. Khoury  
Secretary  
Department of Energy and Environment

A handwritten signature in black ink, appearing to read "Wes Ward".

Wes Ward  
Secretary  
Department of Agriculture

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT  
ARKANSAS DEPARTMENT OF AGRICULTURE