

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 17, ARKANSAS UNDERGROUND) Docket No. 04-____-R
INJECTION CONTROL CODE)

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 17,
ARKANSAS UNDERGROUND INJECTION CONTROL CODE

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 17, Arkansas Underground Injection Control Code, states:

1. Federal revisions of 40 C.F.R. Parts 144, 145, and 146, addressing Class V Underground Injection Control Wells, were published by the United States Environmental Protection Agency on December 7, 1999, and become effective April 5, 2000. The purpose of the federal revision was to prevent the contamination of underground sources of drinking water by limiting injection of wastes through Class V wells. These revisions added requirements for two subcategories of Class V wells: large-capacity cesspools and motor vehicle waste disposal wells. The Department proposes this rulemaking primarily to incorporate the federal regulatory changes into Regulation 17. Because large-capacity cesspools are already banned by the Arkansas Department of Health, and ADEQ closes or permits motor vehicle waste disposal wells under existing statutory authority, there will be little practical effect to the program already being implemented by the Department.
2. The proposed amendments to Regulation 17 involve the following:
 - (A) The addition of new or modified definitions to conform to federal regulations;

- (B) Removal of archaic or inapplicable language;
- (C) Addition of language indicating shared roles of ADEQ and AOGC regarding the underground injection control program;
- (D) Addition of requirements for two new subcategories of Class V wells: large-capacity cesspools and motor vehicle waste disposal wells; and
- (E) Changes throughout the regulation to conform to the Commission’s Regulation Formatting and Drafting Guidelines.

4. Jennifer Tucker and/or Laura Stuart-Leslie from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of a financial impact statement for the proposed revision is attached as Exhibit “C”, both of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit “D” and is hereby incorporated by reference. A fact sheet which explains the changes and the UIC program is also attached.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 17.

Respectfully Submitted,

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