



# ARKANSAS

## ENERGY & ENVIRONMENT

December 17, 2021

Administrative Rules Subcommittee  
Arkansas Legislative Council  
Senator Kim Hammer, Co-Chair  
Representative Les Eaves, Co-Chair  
c/o Jessica Whittaker  
Bureau of Legislative Research  
1 Capitol Mall  
Fifth Floor  
Little Rock, AR 72201

RE: Rule Amendments pursuant to Act 704 of the 93<sup>rd</sup> General Assembly

Senator Hammer and Representative Eaves:

Act 704 of the 93<sup>rd</sup> General Assembly provides administrative agencies that are not subject to the Administrative Procedures Act with an abbreviated rulemaking procedure to make limited rule amendments. Specifically, the Act allows these agencies to change the term “regulation” to “rule,” and to make changes in terminology to reflect the integrating and restructuring of agencies and departments. Act 704 requires that these amended rules be filed with the Secretary of State, and that the Legislative Council be informed of that filing. Pursuant to our obligations under Act 704, the following rules have been amended as stated above, and filed with the Secretary of State:

- a. Rule 1, “Prevention of Pollution by Oil Filed Waste” (provides guidelines for enforcement of pollution control in petroleum production);
- b. Rule 3, “Licensing of Wastewater Treatment Plant Operators” (standards for licensing of wastewater treatment operators);
- c. Rule 4, “Rule to Require a Disposal Permit for Real Estate Subdivisions in Proximity to Lakes and Streams” (provides permit requirements for subdivisions in proximity to lakes and waterways);
- d. Rule 7, “Civil Penalties” (provides civil penalties available for enforcement of pollution control statutes and rules);
- e. Rule 9, “Fee Rule” (provides and implements a system of fees for permits issued by the Division of Environmental Quality);
- f. Rule 11, “Rules for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fund; Solid Waste Management and Recycling Fund Distribution; and Recycling Grant Programs”

(regulates the collection of fees at waste collection sites and administration of the post-closure trust fund);

g. Rule 12, “Storage Tanks” (rule for the regulation of underground storage tank systems);

h. Rule 15, “Arkansas Open-Cut Mining and Land Reclamation” (rule which pertains to the protection of the environment in regard to open cut and stream bed mining operations);

i. Rule 17, “Arkansas Underground Injection Control Code” (rules which adopt underground injection control regulations necessary to qualify the State of Arkansas to retain the Underground Injection Control Program);

j. Rule 18, “Arkansas Air Pollution Control Code” (rules necessary to control air pollution);

k. Rule 20, “The Arkansas Surface Coal Mining and Reclamation Code” (rules necessary to implement the Surface Coal Mining and Reclamation Act of 1979);

l. Rule 21, “Arkansas Asbestos Abatement Rule” (rule regarding licensing of asbestos abatement contractors and establishing standards for asbestos abatement);

m. Rule 22, “Solid Waste Management Rules” (rule to establish standards for ground water monitoring and closure and post-closure care or solid waste disposal);

n. Rule 26, “Rules of the Arkansas Operating Air Permit Program” (rules intended to meet the requirements of Title V of the Clean Air Act, by establishing a state air quality permitting program for major sources of air contaminant emissions);

o. Rule 28, “Rule of the State of Arkansas for County Recycling Programs” (establishes the minimum requirements for adequate recyclable materials collection centers or systems);

p. Rule 29, “Arkansas Brownfield Redevelopment” (establishes standards for the Arkansas Brownfield Redevelopment program);

q. Rule 30, “Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List” (identifies those hazardous substance sites which are eligible to expenditures from the Hazardous Substances Remedial Action Trust Fund);

r. Rule 31, “Nonattainment New Source Review Requirements” (rules which apply to any area in Arkansas designated nonattainment for any national ambient air quality standard under subpart C of 40 CFR part 81);

s. Rule 32, “Environmental Professional Certification” (establishes the requirements and minimum qualifications for environmental professionals);

t. Rule 33, “Motor Vehicle Racing Facility Rules” (rules for establishing and operation of motor vehicle racing facilities);

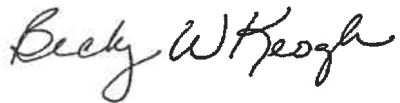
u. Rule 34, “State Water Permit Rule” (adopts standards applicable to the storage, discharge, or disposal of any waste which will cause pollution in the waters of this state); and

v. Rule 36, “Tire Accountability Program (establishes the standards for operation of the state tire accountability program).”

The above rules, now filed with the Secretary of State, have been amended only to change the term “regulation” to “rule,” and to change terminology to reflect the integration and restructuring of administrative agencies and departments. No other amendments or substantive changes have been made to these rules.

The Department of Energy and Environment, Arkansas Pollution Control and Ecology Commission, respectfully request that these rule changes be documented and effectuated pursuant to Act 704 of the 93<sup>rd</sup> General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Becky W. Keogh". The signature is written in a cursive, flowing style.

Becky W. Keogh  
Cabinet Secretary