



# ARKANSAS

## ENERGY & ENVIRONMENT

June 08, 2022

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

RE: Ark. Code Ann. §25-15-216(b)(5)(B) Summary

Senator Hammer and Representative Eaves:

As required by Arkansas Code Ann. §25-15-216(a), the Department of Energy and Environment acknowledges that Act 749 and Act 773 of the 93rd General Assembly, require amendment of Arkansas Pollution Control and Ecology Commission (APC & EC) Rule 27, “Licensing of Operators of Solid Waste Management Facilities and Training and Certification Requirements for Environmental Officers.” As required by Ark. Code Ann. §25-15-216(b)(5)(B), and at your request, we are providing the following summary regarding the progress of this rulemaking.

Pursuant to Ark. Code Ann. §25-15-216(b)(5)(B)(i), the Department was unable to have the final rule filed with the Secretary of State prior to June 1, 2022, because of the overall timetable for rule development, stakeholder involvement, review, and approval. After the 2021 regular session of the Legislature, staff of the Division of Environmental Quality (DEQ) consulted with stakeholders and developed the Rule 27 amendments. The draft amendments were finalized by October 6, 2021. On this date, the rule was submitted to internal review of the Office of Chief Counsel, DEQ Director, and then Secretary of the Department of Energy and Environment. This review was complete by December 7, 2021. The rule was then submitted to the Governor for his review and approval. The APC & EC initiated formal rulemaking on February 25, 2022. A hearing was held for public comment on March 28, 2022, and the public comment period ended on April 11, 2022. The final rule amendments were approved by the APC & EC on May 26, 2022.

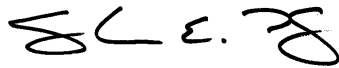
Pursuant to Ark. Code Ann. §25-15-216(b)(5)(B)(ii), on May 31, 2022, the Department requested that the House and Senate Public Health, Welfare and Labor Committees review the rule amendments at its meeting on July 5, 2022. On this same date, the Department requested that the Administrative Rules Committee review and approve the rule amendments at its July 14, 2022, meeting.

Pursuant to Ark. Code Ann. §25-15-216(b)(5)(B)(iii), the Department tried to expedite the rule development and approval process as much as possible to meet the statutory deadline. The Department used an efficient timetable allowed under its rules for the approval of the Rule 27 amendments; however, the earliest possible dates for legislative approval after the APC & EC approved the rule amendments on May 26, 2022 are in July.

Pursuant to Ark. Code Ann. §25-15-216(b)(5)(B)(iv), should the House and Senate Public Health, Welfare, and Labor Committees, the Administrative Rules Committee, and the Legislative Council review and approve the Rule 27 amendments at their July meetings, the Department anticipates that it will file a final rule with the Secretary of State on July 18, 2022. Under this anticipated timeline, the rule will be effective on July 28, 2022.

Please let me know if you have any further questions. Thank you for your consideration of the Rule 27 amendments.

Sincerely,

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

Shane E. Khoury  
Chief Counsel  
Department of Energy and Environment