

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF )  
REGULATION NO. 5, LIQUID ANIMAL WASTE ) DOCKET NO. 11-\_\_\_\_-R  
MANAGEMENT SYSTEMS )

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 5

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”), for its  
Petition to Initiate Rulemaking to Amend Regulation No. 5, Liquid Animal Waste Management  
Systems, states:

1. This proposed rulemaking is necessary to address permitting issues for liquid animal waste management systems that may be permitted as a concentrated animal feeding operation (hereinafter “CAFO”) under the National Pollutant Discharge Elimination System (hereinafter “NPDES”).
2. This proposed rule will provide an exemption from the requirements of the regulation for liquid animal waste management systems that are covered under an individual or general NPDES permit for CAFOs. Reg. 5.105, Exemption.
3. This proposed rule will remove the continuing education requirements for operators of liquid animal waste management systems. These educational requirements are not required in the NPDES permit for CAFOs and ADEQ believes that the permitting programs should be similar in most aspects. Therefore, ADEQ proposes to remove Reg. 5.304, Educational Requirements, from the regulation.
4. Some operators have incorporated the educational requirements as a part of the waste management plan for their farm. ADEQ proposes to add “Removal of educational requirements from waste management plan” to the list of acceptable minor permit modifications. Reg. 5.306, Minor modifications of permits.

5. ADEQ also proposes several minor changes to bring the regulation into compliance with the Commission's Regulation Drafting Guidelines.
  
10. Jamie Ewing and Steve Drown 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 the Financial Impact Statement for the proposed revisions is attached as Exhibit "C", both of which are incorporated by reference. The Economic Impact Statement filed with the Arkansas Economic Development Commission is attached as Exhibit "D" and is hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit "E" and is hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process and adopt the proposed Minute Order.

Respectfully Submitted,

By:   
Jamie Ewing, Attorney Specialist  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118