

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

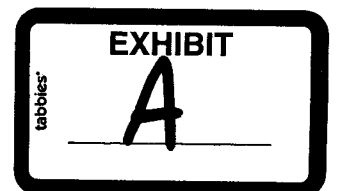
IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 5, LIQUID ANIMAL WASTE) DOCKET NO. 11-004-R
MANAGEMENT SYSTEMS)

**STATEMENT OF BASIS AND PURPOSE FOR
ADOPTION OF AMENDMENTS TO REGULATION NO. 5**

The Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC” or “the Commission”) is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”).

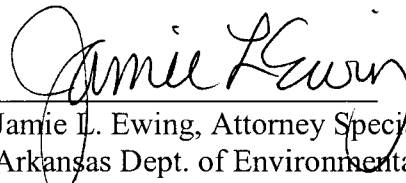
The primary change presented in this proposed rulemaking is the addition of an exemption from the requirements of the regulation for facilities that have chosen to receive coverage under a National Pollutant Discharge Elimination System (hereinafter “NPDES”) permit for a concentrated animal feeding operation (hereinafter “CAFO”), as defined at 40 C.F.R. § 122.23. This exemption will eliminate double permitting for liquid animal waste management systems.

ADEQ also proposes to remove the continuing education requirements from the regulation. This change is necessary to match the requirements for liquid animal waste management systems under Regulation No. 5 with the requirements for CAFOs permitted under the NPDES program. Neither the federal regulations governing CAFOs nor the general permit issued by ADEQ require continuing education for operators. Thus, ADEQ believes that it is no longer necessary to keep the continuing education requirements in Regulation No. 5.



Likewise, many waste management plans written pursuant to Regulation No. 5 include the continuing education requirement in the text of the plan and the plan would need to be changed to remove this requirement. In most instances, a change to a waste management plan requires a major permit modification, which includes public notice and comment. Regulation No. 5 specifically lists permit modifications that are minor and do not require full public participation. ADEQ proposes adding removal of education requirements from waste management plans to this list, as the agency has requested the requirement be removed from the regulation.

Respectfully submitted,

A handwritten signature in black ink that reads "Jamie L. Ewing". The signature is written in a cursive style with a large initial "J".

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