



ARKANSAS ENERGY & ENVIRONMENT

December 1, 2025

VIA ELECTRONIC MAIL

Administrative Rules Subcommittee
Arkansas Legislative Council
Senator Tyler Dees, Co-Chair
Representative Matthew J. Shepherd, Co-Chair
c/o Rebecca Miller-Rice
Bureau of Legislative Research
Email: miller-ricer@blr.arkansas.gov

RE: Arkansas Code § 25-15-216(b)(5)(B) Summary

Senator Dees and Representative Shepherd:

The Department of Energy and Environment (E&E) submits this summary report pursuant to Arkansas Code § 25-15-216. The contact person for the reports required by Arkansas Code § 25-15-216 will hereafter be Amanda Land, Chief Legal Counsel, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118.

The following 2025 acts have been identified as requiring new rulemaking:

Act 441 authorizes the Liquefied Petroleum Gas Board to promulgate new rules based on national standards published by the National Fire Protection Association. The Act also repeals statutory standards for gas containers, training and certification of employees working in this industry, vapor pressure, and for retail sellers of liquefied petroleum gas. Amendments to 15 CAR pt. 270 are necessary to avoid a regulatory void. The rule and necessary approval documents have been sent to the Governor for approval.

Act 148 increases the maximum interim payment amount available from the Petroleum Storage Tank Trust Fund from \$1,500,000 to \$2,000,000. The Act corrects an inconsistency that was created by Act 422 of 2023. Amendments to the Pollution Control and Ecology Commission's (PC&EC) Regulated Storage Tank Rules, 8 CAR pt. 80, are necessary to conform to the amended statute. Specifically, E&E will amend rule 8 CAR § 80-309(e)(1) to reflect this new statutory requirement. This amendment will be submitted as part of a package with amendments in response to Act 706. The amendments are being drafted and reviewed internally.

Act 706 changes the deductible applicable to payments for corrective actions from the Petroleum Storage Tank Trust Fund and modifies the manner in which the deductibles are calculated. Amendments to PC&EC's Regulated Storage Tank Rules, 8 CAR pt. 80, are necessary to conform to the amended statute. Specifically, E&E will amend rules 8 CAR § 80-306 and 8 CAR § 80-307

to reflect this statutory change. This amendment will be submitted as part of a package with amendments in response to Act 148. The amendments are being drafted and reviewed internally.

Act 294 reduces the size of the Wastewater Licensing Committee from eight (8) members to five (5) members and changes the make-up of the Committee. The Act will require amendment of PC&EC's Wastewater Licensing Rules, specifically 8 CAR § 22-201, to conform to the statutory requirements. The rule amendments have been drafted, and E&E is drafting other documents necessary for the rule approval process.

Act 1009 amends the Arkansas Code to clarify the penalty available for violation of a land application permit and to allow for maximum penalties to be assessed for over-application in violation of a permit. The Act also requires that the APC&EC begin the process of promulgating a new rule to authorize no-discharge land application permits of industrial waste. The required rule has been drafted and is currently being circulated internally for comment and approval.

Act 1012, section 2, amends the definition of "solid waste" in Arkansas Code § 26-51-506(b)(15). The act will require the PC&EC to amend the definition of "solid waste" in 26 CAR § 270-102(17) to conform to the Act. The rule amendments have been drafted, and E&E is drafting other documents necessary for the rule approval process.

Please let me know if you have any questions. Thank you for your consideration of these required rule changes.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amanda D. Land', with a stylized flourish at the end.

Amanda D. Land
Chief Legal Counsel
Department of Energy and Environment