ARKANSAS
ENERGY & ENVIRONMENT

November 1, 2026

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 is the undersigned, Amanda Land, Chief Counsel, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118, Amanda.Land@arkansas.gov.

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 Governor has approved the rule amendments, and the Liquefied Petroleum Gas Board has approved the rule change and promulgation. The Administrative Rules Committee approved the rule amendments on June 15, 2026, and the full ALC approved the report of the Committee on June 19, 2026. The amendments were filed with the Secretary of State on June 22, 2026, and were effective on July 2, 2026.

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 PC&EC's 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) to reflect this new statutory requirement. This amendment will be submitted as part of a package with amendments in response to Act 706. The Division of Environmental Quality (DEQ) is currently reviewing the proposed rule and rulemaking documents.

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 have been drafted and have been provided to the Petroleum Tank Advisory Committee for its advice and input. The Division of Environmental Quality (DEQ) is currently reviewing the proposed rule and rulemaking documents.

Act 294 reduces the size of the Wastewater Licensing Committee from eight (8) members to five (5) and changes the make-up of this 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 and other documents necessary for the rule approval process have been drafted and approved internally. The rule amendments have gone through the requisite approval process, and the PC&EC initiated formal rulemaking to approve the amendments at its September 25, 2026, meeting. A hearing for public comment was held on October 29, 2026, and the comment period extends until November 13, 2026.

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 and rulemaking documents have gone through the requisite approval process, and DEQ is seeking comment from stakeholders before starting formal rulemaking.

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 the department has drafted other documents necessary for the rule approval process. The amended rule and rulemaking documents are being circulated internally for revision and approval.

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

Sincerely,



Amanda D. Land
Chief Counsel
Department of Energy and Environment