

The staff request permission to issue a Public Notice and hold a Public hearing on the proposed changes to the Arkansas Hazardous Waste Management Code. Attached are the proposed changes to the Code.

Also, the staff request permission to issue a Public Notice and hold a Public Hearing on the proposed Public Comment Policy.

*Providing there are no objections
within 2 weeks, the director
has authority to publish notice.*

COMMISSIONERS

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CHAIRMAN

SUBMITTED BY Jarrell E. Southall, Director DATE PASSED May 22, 1981

ARKANSAS HAZARDOUS WASTE MANAGEMENT CODE

<u>Committee Recommendation</u>	<u>Section</u>	<u>Change</u>
Passed	1 (a)	leave Act 1098 in
Passed	2 (a)	add "Act 406 of 1979"
Passed	(o)	For purposes of this Hazardous Waste Code only waste defined as hazardous under 40 CFR 261 shall be considered hazardous except that Polychlorinated Biphenyls, as defined in 40 CFR 761, which are transported to treatment or disposal facilities, shall be regulated as hazardous waste under the provisions of Section 16 of this Code and shall be processed in hazardous waste management facility which complies with the provisions of this Hazardous Waste Code or the provisions of 40 CFR 761, whichever are the most stringent.
Passed	(hh)	add "as amended" on or before February 13, 1981.
Passed	3 (a)	add 40 CFR Part 264, Subparts A,B,C,D,F,G,H,I, J,K,L,M,N,O,R,S, and T. 40 CFR Part 266 Subparts A & B 40 CFR Part 267 Subparts A,B,C,D,E,F, and G 40 CFR 122, Subparts A & B 40 CFR Part 124, Subparts A & B as published in the Federal Register, May 19, 1980, as amended, on or before (public notice date)
Passed	(d)	add 266, 267
Passed	4	add Act 406 of 1979
Passed	(b)	add "or in circumstances in which the person should have known,"
Passed	5 (d)	add "an abstract of title showing"
Passed	9 (a)	delete "and dispose of"
Passed	(4)	add "is treated or disposed of in on-site facilities which are permitted in accordance with Act 472 of 1949, as amended, or Act 237 of 1971.
Passed	(c)	delete "and that such waste has not been properly manifested as required by the Code"
Passed	(d)	delete "within 90 days of promulgation of this Code"
Passed		add "within a time period established by the Commission for said facility"

<u>Committee Recommendation</u>	<u>Section</u>	<u>Change</u>
Passed	11 (m)	correct first sentence, p.19 to read "a money order or cashiers check in the amount of \$100.00 payable to the Department for deposit in the State Treasury to cover permit fees and costs for 5 years." delete (1) (2) (3) (4) (5)
Passed	12 (a) (9)	delete
Passed	(b)	add 266, 267
Passed	(L)	delete "and shall also submit, as part of said application, a copy of current permit for transportation of hazardous waste issued by the Arkansas Transportation Commission.
Passed		add "No permit shall be issued by the Department unless the applicant for said permit shall have first received a permit from the Arkansas Transportation Commission."
Passed	13 (a)	add 266, 267
Passed	16 (a) (7)	delete "not more than ten (10) days prior to receipt of the shipment by the initial transporter"
Passed	(b) (3)	add "and the transporter's Arkansas Transportation Commission permit number"
Failed	(d)	add "generator/shipper"
Passed	(d) (4)	delete "the original", substitute "a"
Passed	(d) (6)	add "original and"
Passed	(f) (2)	delete "at the end of each calendar month" substitute "by the 10th of the month following the reporting month"
Passed		delete "that period"
Passed		substitute "the Preceding month"

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<u>Committee Recommendation</u>	<u>Section</u>	<u>Change</u>
Passed	(f) (3)	delete "one copy" substitute "the original"
Passed	(f) (4)	delete promulgated add "approved"
Passed		delete "and that state has not promulgated or authorized a form for a manifest or shipping papers, then the shipper may use and" delete "prescribed" add "approved"
Passed	16 (s) (1)	to delete all of 16 (s) (1)*
Passed	19 (c)	add "unless otherwise prohibited by a federal regulation,"

* A formal recommendation was made to advise the Commission of the controversial nature of the Committee's vote and the small number of Committee members in attendance for the vote.

Section 12. Permit Procedures

- (a) Except as provided herein, any owner or operator of an existing hazardous waste management facility and any person proposing to construct a new hazardous waste management facility shall comply with the provisions of 40 CFR 122, Subparts A and B, and 40 CFR 124, Subparts A and B.

- (1) Facilities required to have a permit under the Act, or which are operating under terms of permits issued under the Arkansas Water and Air Pollution Control Act (Act 472 of 1949 as amended) and the Arkansas Solid Waste Management Act (Act 237 of 1971) may continue in operation until such time as a permit is issued under this Code, provided that the owner or operator of such facility made application on the form provided by the Department for such permit on or before September 14, 1979.

- (2) Existing non-commercial hazardous waste management facilities which do not comply with the provision of (1) above but which have Interim Status as defined in 40 CFR 122.23 are granted an Interim Permit by Rule of the Commission. The Interim Permit is conditional upon compliance by the owner or operator with the applicable Interim Status Standards. The Interim Permit shall continue until a final permit is issued.

- (3) Nothing in this section (12) (a) shall be construed to allow commercial hazardous waste landfill facilities to store, treat, bury, dispose, or otherwise process hazardous waste without first obtaining a permit from the Commission under this Code.

Section 5 (b)(5):

The distance between the active portion of the facility and any functioning public or private water supply.

Section

Change

(13) (4)

When it is technically feasible that destruction of the waste can be accomplished by incineration utilizing currently available technology, no acutely hazardous waste shall be disposed of in landfills in the State of Arkansas unless the applicant can demonstrate that the waste is not included in Class I high hazard materials as defined in the Chemical Manufactures Association's "A System for Management of Hazardous Wastes by Degree of Hazard Under Subtitle C of RCRA" dated July 30, 1979 or as revised or amended thereto after approval by the Commission.

Incineration will be deemed technically feasible by the Director for destruction of all acutely hazard materials for which disposal in landfills is not allowed unless:

- (i)
- (ii)
- (iii)