

MINUTE ORDER NO. 81-96

Hazardous Waste Management Code
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This minute order amends the Arkansas Hazardous Waste Management Code to adopt by reference certain federal amendments promulgated through August 27, 1981 as attached, and to amend Section 13 (5) of the Code to require annual reports from all generators and all owners/operators of hazardous waste facilities.

COMMISSIONERS

[Handwritten signatures of commissioners]

John P. Santos
CHAIRMAN

SUBMITTED BY: Perry DATE PASSED: 11/20/81

PROPOSED ADDITIONS TO STATE CODE

February 20, 1981 - 40 CFR 265 - 13491-13495 - Part III - Effective: Feb. 20, 1981
Interim status standards for owners and operators of hazardous waste treatment, storage, disposal facilities - (Extension for landfilling of liquid ignitable wastes to May 19, 1981) Amendment to Interim Final Rules.
40 CFR 265 is amended to allow landfilling of containerized liquid hazardous wastes to May 19, provided the containers are placed in such a manner to protect them from conditions which could allow them to ignite. This amendment is effective February 20.

~~March 18, 1981 - 40 CFR 261 - 17196-17202 - Effective Date: March 18, 1981~~
~~Hazardous Waste Management System: Identification and Listing of hazardous waste. Grant of Temporary exclusions~~

March 23, 1981 - 40 CFR 122, 264, 265 - 18025
Standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities; Consolidated Permit Regulations. Correction.

April 15, 1981 - 22143-22156 - Part III. Effective Date: 8900-1 due June 9, 1981
Hazardous substances: Notification of Inactive TSDFs as Required by Superfund. Notice of availability of form 8900-1, Interim Interpretative notice and policy statement.

May 18, 1981, - 40 CFR 264 & 265 - 27199-27120 - Effective Date (deferred to) October 13, 81
Financial requirements applicable to owners and operators of hazardous waste treatment, storage and disposal facilities. Notice of Deferral of Effective Date.

May 20, 1981 - 40 CFR 122, 260, 261, 264, 265 - 27437-27480 Effective Date: May 20, 1981
Hazardous waste management system. Corrections to Interim Final and Final Rule

June 3, 1981 - 40 CFR 122, 260, 261, 264, 265 - 29708 -
Hazardous waste management system. Correction.

June 29, 1981 - 40 CFR 265 - 33501 - Part IV - Effective Date: June 29, 1981
TSDF Standards (Landfilling of liquid ignitable wastes).
Amendment to Interim Final Rule.

July 2, 1981 - 40 CFR 261 - 34587
Hazardous waste management system. Correction.

July 7, 1981 - 40 CFR 260, 261, 244, 265, 122 - 35245 - Part II - Effective: 7/7/81
Hazardous waste management system. Technical amendments. Revision to interim final and final rules.

July 15, 1981 - 40 CFR 123 & 124 - 36704 - Effective Date: July 15, 1981
Hazardous waste permit program - Public participation procedures applicable to state programs. Interim final revision to rule.

July 24, 1981 - 40 CFR 122, 264, 265 - 38317 - Part V

Effective Date: (1) July 13, 1981 for rules issued January 12, 1981 except
40 CFR 264.13, 264.145-151, 265.143 and 265.145-151
(2) July 22, 1981 for rules issued January 23, 1981

August 13, 1981 - 40 CFR, 122, 260, 264 - 40896 Effective Date: August 13, 1981

Announces availability of background documents to support repropoed regulations for standards applicable to owners and operators of hazardous waste landfill disposal facilities. Also to correct errors in February 5, 1981, promulgation on standards for owners and operators.

August 27, 1981 - 40 CFR, 122, 146 - 43156-43163 Effective Date: August 27, 1981

Technical amendments to final Underground Injection Control regulations of May 19, 1980.

- (iii) incineration would not appreciably reduce the degree of hazard; or
- (iv) the toxicity of the waste results primarily from inorganic materials which are not destroyed by incineration.

The Director may give a waiver to this subsection (13) (a) (4), if it can be demonstrated to his satisfaction that a process other than incineration is available and will be used that would destroy or permanently immobilize the hazard components of the waste prior to landfilling.

- (b) No materials in the form of bulk liquids, semi-solids, and sludges may be disposed of in landfills unless such waste is pretreated and/or stabilized into cement-like material. Under no circumstances will municipal refuse be placed in a hazardous waste landfill.
- (5) Generators and all owners or operators of hazardous waste facilities will file an annual report summarizing their activities related to hazardous waste management by March 1 each year for the preceding calendar year. The report will be due at the Department of Pollution Control on a form designated by the Department.

Section 14. HEALTH MONITORING AND HAZARD IDENTIFICATION

- (a) Prior to the operation of a new commercial hazardous waste management facility, the Department may request that the appropriate health agency have a survey conducted, at reasonable cost, to establish baseline health data.

Such survey shall:

- (1) be conducted by a person approved by both the Department and the health agency;
 - (2) investigate the prevalence of those health conditions deemed appropriate by the Department in consultation with the Arkansas Department of Health and other health agencies;
 - (3) be completed among a statistically representative portion of the population located within an area defined as likely to be contaminated on the basis of information describing the type of facility, nature of the operation, type of waste managed, and proximity to major water sources or other likely vehicles for dissemination into the environment.
- (b) Whenever the Department finds that there exists a reasonable probability that emissions from any hazardous waste management facility are related to disease etiology, it shall have conducted pertinent epidemiologic investigations in order to ascertain early identification of unknown health hazards and to effect the appropriate corrective intervention. Such investigation shall be subject to the provisions of Section 11 (i) of this Code and limited to reasonable cost.