

Section 3 (b) - Adoption of temporary and/or final waste exclusions resulting from petitions filed with EPA under 40 CFR 260.22 (petitions to amend Part 261 to exclude a waste product produced at a particular facility):

<u>Facility Name and Address</u>	<u>Waste Excluded</u>	<u>Date of FR Notice</u>	<u>Exclusion Status</u>
Monroe Auto Equipment, Paragould	F006	Dec. 31, 1980	Temporary
Whirlpool Corp., Fort Smith	F006	Aug. 6, 1981	Temporary
Bekaert Steel Wire Corp., Van Buren	K063	Dec. 16, 1980	Temporary

This new section recognizes EPA's adoption of temporary and/or final waste exclusions.

11(h)

As a condition of permit for a hazardous waste management facility, the Commission may require on-site inspections of such frequency and duration as it deems appropriate provided, however, that the presence of on-site inspectors shall be a mandatory requirement for the first six months operation of any commercial hazardous waste landfill. The total costs of maintaining said inspectors shall be borne by the owners or operators of the affected facilities. Said owners or operators shall, prior to the Commission's issuance of permit, submit a money order or cashiers check payable to the Department for deposit in the State Treasury in the amount of one-fourth the estimated annual costs to the Department of maintaining such inspectors and shall submit quarterly thereafter a money order or cashiers check payable to the State Treasury in the amount of one-fourth the aforesaid estimated annual costs. Any permit conditioned in accordance with the provisions of this Section shall be automatically voided whenever the permittee fails to submit quarterly payments as herein provided. Such payments shall be in addition to the fees required under this Section.

The Commission may authorize the Department to enter into contractual agreement with qualified engineering and testing firms to conduct inspections as described above.

Changes in this section make it clear that the owner or operator of a commercial hazardous waste management facility is responsible for the total costs of inspections.

11(k) Eliminate (h)

This change is necessary to eliminate a possible conflict with 11(h).

12(h) No permit shall be issued for a commercial hazardous waste Management facility unless a public hearing is held in accordance with the provisions of subsection J below. No permit for non-commercial hazardous waste management facilities shall be issued unless the Department first gives a 45 day opportunity for public comment as provided in 40 CFR 124.10. Where written objection to the issuance of a permit for a non-commercial hazardous waste management facility is filed within the forty-five day comment period, no permit shall be issued unless a public hearing is held in accordance with the provisions of subsection J below. To the extent practicable, the Department shall schedule notices of public hearing or notices of opportunity for comment within 180 days of receipt of completed applications.

Changes in this section clarify public hearing requirements for commercial hazardous waste management facilities and for non-commercial hazardous waste management facilities.

12(j) Omit "upon completion of the Department's review of a permit application." Substitute, "a 45 day."

Changes in this section were made to increase the notice of public hearing from 30 to 45 days as required by an amendment to the federal regulations.

Section 16(m)

Delete all after "EPA Identification Number."

The phrase "a Department of Pollution Control and Ecology identification number" was deleted because the EPA identification number is the only one necessary.

Section 16(n)

No person shall transport over any public highway within the state any hazardous waste without having in force current Hazardous Waste Transportation permits issued by the Arkansas Transportation Commission and by the Arkansas Department of Pollution Control and Ecology authorizing such activity by such person. Laboratory samples are exempt from this requirement, in accordance with the provision of 40 CFR 261.4(d).

Laboratory samples will not require a transportation permit because such samples are exempted by a recent amendment to the federal register. The change in this section exempts laboratory samples in accordance with the provisions of 40 CFR 261.4(d)

Hazardous Waste Regulations and Related Regulations Summary of Amendments

September 25, 1981 - Part V - 40 CFR Part 261 - 47426-47429 - Effective Date: September 25, 1981.

Hazardous Waste Management System: Identification and Listing of Hazardous Waste Interim final rule with request for comments.

The Environmental Protection Agency is revising the regulations for hazardous waste management under the Resource Conservation and Recovery Act to conditionally exempt from regulation waste samples and other samples collected for the purpose of monitoring or testing. EPA is taking this action because the Agency believes that the risk posed to human health and the environment from the management of these samples is not substantial and that the full set of hazardous waste regulations is in many ways inappropriate for these samples. This amendment will substantially reduce the regulatory burden to those individuals who have applied the regulations for hazardous waste management to managing these samples.

October 20, 1981 - 40 CFR Part 264 - 51407-51410 - Effective Date: December 4, 1981.

Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities. Proposal to suspend effective date of interim final rules. EPA is proposing to temporarily suspend the effective dates of its January 1981 permitting standards for incinerators and storage surface impoundments as applied to existing facilities, pending a re-examination of their appropriateness for existing facilities. Today's proposed suspension does not apply to these voluntarily-submitted permit applications. Thus, the owner or operator of any existing incinerator or storage surface impoundment who desires to obtain a RCRA permit based on the January standards will be able to do so even if a final decision is made to temporarily suspend the effective date of those standards with respect to other facilities. Accordingly, it will be EPA's policy, starting today, pending a final decision on the suspension proposed today, not to call in Part B permit applications for existing incinerators and surface impoundments. The Agency will be processing voluntarily submitted permit applications for these facilities, however, and will be calling in permit applications for all other facilities for which it has effective standards. Phase II, in turn, is separated into components. Component A, which covers the standards for tanks, container storage facilities, waste piles and storage surface impoundments and Component B, which covers incinerators. Components A and B for substantial equivalence with all aspects of the current Federal standards. However, EPA will only authorize state programs to permit the facilities not covered in the proposed suspension (i.e., new incinerators, new storage surface impoundments and all tanks, containers, and waste piles). EPA will postpone decisions on the authorization of state permitting programs for existing incinerators and existing storage surface impoundments. If EPA decides not to suspend the effective date of the Federal standards, interim authorization for the facilities in question can be automatically extended to states which have approved programs. EPA would not be able

to authorize those parts of a state program. States could continue to permit such facilities under state laws and regulations but these permits would not be RCRA permits as defined in the Act.

October 1, 1981 - 40 CFR Parts 264 and 265 - 48197-48198 - Effective Date: from October 13, 1981 to April 13, 1982.

Financial Requirements Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Deferral of Effective Date. On January 12, 1981, the Environmental Protection Agency issued an interim final rule which established financial requirements applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities. Under the financial requirements, owners and operators must (1) provide financial assurance that applicable closure and post-closure requirements will be met, and (2) maintain liability coverage of certain types and amounts during the operating life of the facilities. This notice further defers the effective date of these requirements from October 13, 1981 to April 13, 1982.

October 1, 1981 - 40 CFR Parts 122 and 146 - 46243-48249 - Effective Date: May 19, 1980

Underground Injection Control Program Criteria and Standards. The Environmental Protection Agency is proposing amendments to its Consolidated Permit Regulations (40 CFR Part 122) and Technical Criteria and Standards for State Underground Injection Control Programs (40 CFR Part 146), as promulgated May 19, 1980 and June 24, 1980 respectively.

October 1, 1981 - 40 CFR Part 122 - 48249-48251 - Effective Date: October 1, 1981.

EPA Administered Permit Programs: The National Pollutant Discharge Elimination System; The Hazardous Waste Permit Program and the Underground Injection Control Program

In § 122.3 the definition for "underground source of drinking water" is revised and a definition of "Project" added. §122.10 Schedules of compliance. Reporting - A RCRA or NPDES permit shall be written to require that no later than 14 days following such interim date and the final date of compliance.

October 20, 1981 - 40 CFR Part 264 - 51407-51410 - Effective Date: October 20, 1981.

Standards for Owners and Operators of Hazardous Waste Treatment Storage, and Disposal Facilities. EPA is promising to temporarily suspend the effective dates of its January 1981 permitting standards for incinerators and storage surface impoundments, as applied to existing facilities pending a re-examination of their appropriateness for existing facilities. However, EPA will only authorize state programs to permit the facilities not covered in the proposed suspension (i.e. new incinerators, new storage surface impoundments and all tanks, containers, and waste piles).

November 6, 1981 - 40 CFR Parts 122 and 264 - 55110-55113 - Effective Date:
November 6, 1981.

Container and Waste Pile Standards for Owners and Operators of Hazardous Waste Facilities; Consolidated Permit Regulations. The Environmental Protection Agency (EPA) is promulgating amendments to the hazardous waste management regulations regarding the management of hazardous waste in containers and piles and associated permit regulations (40 CFR Part 264. Subparts I and L, and Part 122, Subpart B).

November 17, 1981 - 40 CFR Part 261 - 56582-56588 - Effective Date:
November 17, 1981.

Hazardous Waste Management System: Identification and Listing of Hazardous Waste.

The Environmental Protection Agency is revising the regulations for hazardous waste to exempt certain categories of mixtures of solid wastes and hazardous wastes from the presumption of hazardousness presently contained in the regulations.

November 23, 1981 - 40 CFR Part 264 - 57284-576286 - Effective Date:
November 23, 1981.

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities.

Action: Interim rule

EPA is revising Appendix VI to 40 CFR Part 264. Appendix VI lists political jurisdictions within which the probability of Holocene fault displacement and deformation warrants a geologic investigation in order to demonstrate compliance with the seismic location standards for hazardous waste management facilities in §264.18(a). Facilities not located in these areas are presumed to be in compliance with the standard. This amendment deletes from Appendix VI those area where the risk of facility damage due to fault displacement and deformation does not warrant a geological investigation. Comments are due on or before December 23, 1981. EPA has learned that there are no faults east of the front range of the Rocky Mountains which have been conclusively identified as having had displacement during Holocene time.
