



Proposed amendments to the Arkansas Hazardous Waste Management Code being considered by the Commission today differ from the proposal which was submitted to the Public Hearing on May 6, 1982 in the following aspects:

Section 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 deem 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. Prior to the Commission's issuance of permit, the owner or operator of any facility which is subject to the provisions of this subsection shall submit a money order or cashier's check payable to the Department for deposit in the State Treasury in the amount of one-fourth the estimated annual cost to the Department of maintaining such inspectors and shall submit quarterly thereafter a money order or cashier's check payable to the Department for deposit in 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 after informal hearing whenever the permittee fails to submit quarterly payments as herein provided. The Commission may authorize the Department to enter into contractual agreement with qualified engineering and testing firms to conduct inspections as described above.

Section 11 (k)

The maximum amount of fees collected from any hazardous waste management facility pursuant to the provisions of subsection (a), (b), (c), (e), (f) and (h) shall not exceed \$10,000 for non-commercial facilities or \$20,000 for commercial facilities, provided, however, that the Commission may require such additional fees to be collected from the owner or operator of a commercial hazardous waste landfill as it deems necessary to compensate the Department for the costs of providing on-site inspectors as required under subsection 11 (h).

Section 12 (h): Delete the last sentence of the proposed Section 12 (h) and add:

The Department within 270 days (two hundred seventy days) of the date that an application is deemed complete in accordance with subsection (g) above, shall either issue or deny a permit; provided that, where modifications are made to the application, that time may be extended by mutual agreement between the Director and the applicant, and provided further that the Commission may grant an extension to the limits provided herein upon showing of sufficient justification by the Director. Nothing in this subsection shall prohibit an applicant from withdrawing his application or from requesting a longer period of consideration.

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Section 12 (j): The first sentence is revised to read:

A 45 day notice of public hearing on the draft permit shall be given in the manner described in Section (1) above. The notice shall provide:  
(etc)

Section 16 (m)

No person shall transport any hazardous waste over any public highway within the State of Arkansas without having received an EPA identification number. For transporters hauling PCB's exclusively, the Department will issue a PCB number which may be used in lieu of an EPA ID number.

NO CHANGES WERE MADE TO THE FOLLOWING PROPOSED AMENDMENTS TO THE CODE:

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

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).

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 of 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 areas 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.

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