

On September 7, 1982, the Commission, at a public hearing pursuant to notice properly given, received public comments concerning proposed amendments to the Arkansas Hazardous Waste Management Code. The proposed amendments included the proposed adoption by reference of the regulations and amendments included in 40 CFR 260, 261, 262, 264, 265, 122, 123, and 124 published in the Federal Register on or after January 1, 1982 and prior to July 1, 1982.

Other amendments were proposed to amend Section 3(a) of the Arkansas Hazardous Waste Management Code to delete certain sections of the federal regulations previously adopted by reference. These Sections are:

122.1; 122.2; 122.5; 122.10(b); 122.12; 122.13(c); 122.17; 122.19(a); 122.20; 122.21(a); 122.21(b); 122.21(c); 124.1; 124.3(b),(c),(d),(e),(f),(g); 124.4; 124.5(b); 124.5(e); 124.5(g); 124.6(b); 124.7; 124.9; 124.10(a),(l),(i); 124.10(a),(l),(iv); 124.12(b); 124.12(c); 124.12(d); 124.12(e); 124.13; 124.14; 124.15; 124.16; 124.17(b); 124.18; 124.19; 124.20; and 124.21.

Upon review of public comments submitted in accordance with the notice of public hearing, the staff has recommended and the Commission hereby approves, the adoption of the aforementioned amendments except that the following sections shall not be deleted but shall remain in effect: 122.5; 122.10(b); 122.17; 124.3(c),(f),(g); 124.5(b); 124.6(b); 124.7; 124.13; 124.18; and 124.19.

Furthermore, the Commission hereby order that the amendments adopted on this date shall be in full force and effect beginning November 1, 1982.

COMMIS-  
SIONERS



  
CHAIRMAN

SUBMITTED BY Sandra Perry

DATE PASSED 10-1-82

The following language will be added to

Arkansas Hazardous Waste Management Code, Section 3(a):

... Provided that (a) the following portions of 40 CFR 122 and 124 are excepted from adoption in this Code: 122.1; 122.2; 122.12; 122.13(c); 122.19(a) 122.20; 122.21(a); 122.21(b); 122.21(c); 124.1; 124.3(b), (d), (e), 124.4; 124.5(e); 124.5(g); 124.9; 124.10(a), (1), (i); 124.10 (a), (1), (iv); 124.12(b); 124.12(c); 124.12(d); 124.12(e); 124.14; 124.15; 124.16; 124.17(b); 124.20; and 124.21.

Federal Register amendments to regulations and regulations published from January 1, 1982 to June 30, 1982 and the September 8, 1982 amendment (which was inadvertently left out of the previous public hearing):

September 8, 1981:

40 CFR Part 261 (FR 44973):

Exempts spent pickle liquor which is reused in wastewater treatment facilities.

January 11, 1982:

40 CFR Part 265 (FR 1254) effective January 11, 1982:

These amendments provide a waiver of standards for any surface impoundment that (1) contains wastes which are hazardous only because they exhibit the corrosivity characteristic and contain no other hazardous wastes; (2) is demonstrated to rapidly neutralize the wastes so that there is no potential for migration of any hazardous waste out of the impoundment. The purpose of the amendment is to relieve owners of neutralization surface impoundments from having to monitor groundwater in cases where such monitoring is not necessary to protect human health and the environment.

January 11, 1982:

40 CFR Part 123 and 262 (FR 1248) effective January 11, 1982:

The regulations allow hazardous waste generators and generators who treat, store or dispose of waste on-site to accumulate hazardous waste on-site without obtaining a permit or meeting financial responsibility requirement if they ship the waste off-site within 90 days. The changes (1) clarify that the provision is applicable to all generators, including those who accumulate hazardous waste for the purpose of use, reuse, recycling and reclamation, (2) remove the requirement for use of DOT containers, (3) revise the labeling and marking requirements for waste accumulated in containers and tanks; and (4) allow an extension to the 90 day accumulation limit in certain circumstances.

February 23, 1982:

40 CFR 262, 264 and 265 (FR 7841) effective date February 23, 1982:

EPA is delaying the compliance dates until August 1, for:

- (1) submission of annual reports,
  - (2) the submission of quarterly groundwater monitoring (parameter readings) by TSD's.
  - (3) the preparation of groundwater quality assessment program reports by TSD's.
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- February 25, 1982: 40 CFR Part 265.312 (47 FR 8306):  
Ignitable or reactive waste must not be placed in a landfill unless the waste is treated so that the resulting mixture no longer meets the definition of ignitable.
- March 1, 1982: 40 CFR Part 265 (47 FR 8606):  
Correction of date to February 25, 1982.
- March 3, 1982: 40 CFR Part 260 (FR 9007):  
This notice sets forth a list of petitions to make general changes to exclude on a site-specific basis, wastes from regulations.
- March 8, 1982: 40 CFR Parts 123, 260 and 262:  
Correction in spelling.
- 40 CFR Parts 122, 264, and 265:  
Correction of typographical error.
- March 22, 1982: 40 CFR Part 265 (FR 12318) effective March 22, 1982:  
No container holding freestanding liquid may be placed in a landfill.  
40 CFR Part 265.314
- April 7, 1982: 40 CFR Parts 264 and 265 (FR 12318) effective July 6, 1982:  
Financial assurance of closure and post-closure and July 15, 1982 for liability.  
These amendments deal with closure and post-closure financial assurance requirements.
- April 8, 1982: 40 CFR Parts 122 and 124 (FR 15304) effective April 1, 1982:  
EPA is amending its consolidated permit regulations to make several minor corrections in the regulations. Revisions include a correction to submission of topographic maps -- these maps need to show wells within  $\frac{1}{4}$  mile of the facility boundary. This rule deletes the requirement that claims of confidentiality on hazardous waste permits must be substantiated at the time of the application.

April 16, 1982:

40 CFR Parts 123, 264, and 265 (FR 16544) effective July, 15, 1982:

The EPA is requiring owners or operators to demonstrate liability coverage for bodily injury and property damage to third parties resulting from facility operations. The major revisions are the addition of the option of a financial test as a means of demonstrating liability coverage to satisfy the requirements; certificate of insurance as evidence of insurance; and changes in the requirements for the endorsement of certificate.

May 10, 1982:

40 CFR Parts 264 and 265 (FR 19995):

Corrections are to the "Trust Agreement" in the Federal Register for Wednesday, April 7, 1982. These corrections are primarily spelling errors and left out words.

June 24, 1982:

40 CFR Parts 122, 264 (FR 27516) effective June 24, 1982:

EPA is announcing withdrawal of its proposal to suspend the effective date of the permitting standards for hazardous waste incinerators, as applied to existing facilities and is ending its policy, of postponing requests for Part B permit applications for existing hazardous waste incinerators.

June 24, 1982:

40 CFR Parts 122, 164, 265 (FR 26520) effective June 24, 1982:

These amendments include revisions to the general standards for permitting hazardous waste incinerators; the interim status standards for hazardous waste incinerators and the consolidated permit requirements for incinerators. The amendments pertain to: (1) permit procedure for incinerators; (2) exemption of corrosive and some reactive wastes from selected Subpart O standards; (3) the performance standard for hydrogen chloride emissions; (5) designation of air feed rate as an operating and monitoring parameter; (7) visual inspection of the stack gas plume during interim status and (8) requirements for data collection during the trial burn.

RESPONSE SUMMARY

PUBLIC HEARING, SEPTEMBER 7, 1982  
GAME AND FISH AUDITORIUM  
ARKANSAS HAZARDOUS WASTE MANAGEMENT CODE

The Arkansas Federation of Air and Water Users, Arkansas Power and Light and Arkansas Eastman expressed concern over the proposed deletion of certain federal regulations from the Arkansas Hazardous Waste Management Code.

The Department proposed deleting 41 sections from Section 3(a) of the Arkansas Hazardous Waste Management Code. There was no opposition to the deletion of most of these. The table below reflects those sections which industry opposed deletion and the name of the organization opposing deletion.

CITE	ARKANSAS FEDERATION	AP&L	ARKANSAS EASTMAN
122.5	X	X	
122.10(b)	X		
122.17	X	X	
124.3(c)(f)(g)	X	X	
124.5(b)	X	X	X
124.6(b)	X	X	X
124.7	X	X	X
124.13	X	X	
124.18	X		
124.19	X	X	X

Briefly, the comments reflect concerns that the deletion of the aforesaid sections would leave the Department without adequate procedures. The Department staff recognizes that the comments may have merit and that it may be in the best interest of all concerned that the aforesaid sections not be deleted until such time that new provisions can be developed and substituted for the deleted sections. Accordingly, the staff asks the Commission to defer action on the proposed deletion of the aforesaid sections.