

MINUTE ORDER NO. 83 30

PAGE 1 OF 3

On May 3, 1983, the Commission held a public hearing pursuant to notice properly given, to hear public comments on proposed amendments to the Arkansas Hazardous Waste Management Code. The amendments were proposed to amend Section 3 (a) of the Arkansas Hazardous Waste Management Code to adopt by reference the regulations included in the federal regulations published on or before March 1, 1983 and to amend Section 13 (b)(1); Section 11 (o) and 11 (p) of the Arkansas Hazardous Waste Management Code. A summary of the regulations to be adopted by reference and the changes to the Code are attached to this Minute Order.

Since there were no unfavorable comments on the proposed adoption of these regulations, the staff has recommended and the Commission hereby approves the adoption of the aforementioned amendments.

The Commission hereby orders that the amendments adopted on this date shall be in full force and effect beginning May 27, 1983.

COMMISSIONERS

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John P. Saylor
CHAIRMAN

SUBMITTED BY: Sandra Perry Ph.D. DATE PASSED: 5/27/83

ADOPTIONS BY REFERENCE (SINCE JULY 26, 1982)

August 18, 1982

40 CFR Part 261

This amendment defines when a container which has held a hazardous waste is considered "empty." Today's change allows the use of a weight measurement as an alternative to a depth measurement in determining whether a container is empty.

September 21, 1982

40 CFR Part 122

The first reference in paragraph (a) is revised to include the most current reference publication.

October 12, 1982

40 CFR Parts 262, 264, and 265

EPA clarifies the status of three recordkeeping requirements. These requirements are now in effect:

- (1) The submission of 1981 annual reports.
- (2) The submission of quarterly groundwater monitoring data for surface impoundments, landfills, and land treatment facilities.
- (3) The preparation of groundwater quality assessment program outlines for surface impoundments, landfills, and land treatment facilities.

November 22, 1982

40 CFR Part 261

EPA temporarily excludes solid wastes generated at several particular generating facilities from the lists of hazardous wastes contained in 40 CFR Part 261.31 and Part 261.32. This action responds to delisting petitions submitted under 40 CFR Part 260.20

January 19, 1983

40 CFR Parts 122, 260, 264 and 265

Hazardous Waste Management System/Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Hazardous Waste Permit Program (48 FR 2508-2512). This amended interim final rule has been published by EPA to make clear that RCRA regulations which govern treatment and storage of hazardous waste are not applicable to actions taken to "immediately contain and treat" spills of hazardous waste or hazardous materials. Persons who treat or store hazardous waste under an emergency response situation need not obtain a RCRA permit for those activities.

January 20, 1983

40 CFR Part 261

The purpose of these changes is to clarify that facilities that store hazardous wastes prior to recycling are subject to the provisions of Subparts A-L of 264 and A-L 265.

January 28, 1983

40 CFR Parts 122, 262, 264, and 265

This amendment increases the interval between required reports from annual to biennial and require the biennial report to be submitted by March 1 of even numbered years describing hazardous waste activities during the previous calendar year.

Arkansas Hazardous Waste Management Code

Section 13 (b) (1)

Generators and all owners or operators of hazardous waste facilities will file a report summarizing their activities related to hazardous waste management by March 1 of each even numbered year which must cover hazardous waste activities during the previous calendar year. The biennial report will be due at the Department of Pollution Control on a form designated by the Department.

Section 11 (o)

In addition to the above fees, the costs of mailing, publication of public notices, and other public notification costs incurred by the Department in the processing of a permit application shall be remitted to the Department by the permit applicant. The costs of meeting the notification requirements, as contained in 40 CFR Part 124.10 and outlined above, shall not exceed actual expenditure by the Department.

Section 11 (p)

No permit will be issued when indebtedness exists as a result of non-payment of any of the above permit fees for notification charges.

PROMULGATED THIS 27th day of May 1983
BY ORDER OF THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

BY _____
Chairman

ATTEST:

Phyllis Garnett, Ph.D.
Director

APPROVED:

Bill Clinton, Governor
State of Arkansas

PROMULGATED THIS 27th day of May 1983
BY ORDER OF THE COMMISSION ON POLLUTION CONTROL AND ECOLOGY

BY John P. Sauters
Chairman

ATTEST:

Phyllis Garnett
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Director

APPROVED:

Bill Clinton
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State of Arkansas