

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 11, REGULATION FOR) DOCKET NO. 03-005-R
SOLID WASTE DISPOSAL FEES; LANDFILL)
POST-CLOSURE TRUST FEES; ILLEGAL)
DUMPS PROGRAM; AND RECYCLING)
GRANTS PROGRAM)

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 11,
REGULATION FOR SOLID WASTE DISPOSAL FEES; LANDFILL POST-CLOSURE
TRUST FEES; ILLEGAL DUMPS PROGRAM; AND RECYCLING GRANTS PROGRAM

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 11 (“the Regulation”), states:

1. Acts 70, 217, and 1376 of 2001, and Acts 1027 and 1337 of 2003, made several changes to the regulatory provisions administered by the Commission and the Department. The Department proposes this rule-making primarily to make the provisions of Regulation 11 conform with the statutory language affected by these Acts.
2. The proposed regulatory amendments precipitated by the above-referenced Acts involve the following:
 - (A) Amendment of the recycling grants reporting and oversight requirements as provided by Act 70 of 2001;
 - (B) Amendment of recycling grants provisions regarding disposition of funds collected under the Recycling Fund Act as provided by Act 1027 of 2001;

(C) Addition of Reg. 11.205(D) which requires installation and use of weight scales and reporting requirements for Class I and Class 3C Landfills as required by Act 217 of 2001 and Act 1337 of 2003, and amendment of Chapter 2 to reflect this change;

(D) Deletion of Chapter Four: The Illegal Dump Eradication and Corrective Action Fund Program, due to expiration of apportionment for this program as provided in Ark. Code Ann. § 8-6-504(d), and deletion of all references to this program through the regulation; and

(E) Amendment to Reg. 11.405(A) regarding solid waste planning, to comply with Act 1376 of 2001, concerning development of regional solid waste management plans which comport with the Statewide Solid Waste Management Plan.

3. Additionally, the Department proposes the following “housekeeping” changes:

(A) Clarification of the definitions of “agent of the grantee”, “landfill gate”, and “transporter or solid waste transporter or hauler”.

(B) Reformatting throughout the regulation to conform to the APC&E Commission regulation drafting guidelines; and

(C) Clarification of typographical errors.

Jennifer Tucker, from the Department’s Legal Division, Steve Martin and/or Pat Henry from the Department’s Solid Waste Division, will be available to answer questions concerning this proposed rule-making. A red-lined version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A legislative questionnaire is attached as Exhibit “B” and is hereby incorporated by reference. The financial impact statement and a proposed Minute Order are attached hereto and incorporated herein as Exhibits “C” and

“D”, respectively.

WHEREFORE, the ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 11.

Respectfully Submitted,

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ENVIRONMENTAL QUALITY
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By: _____

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