

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 11: REGULATIONS FOR) DOCKET NO. 12-007-R
SOLID WASTE DISPOSAL FEES;)
LANDFILL POST-CLOSURE TRUST FUND;)
AND RECYCLING GRANTS PROGRAM)**

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE**

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter "ADEQ").

1. This rulemaking is to incorporate statutory changes passed by the General Assembly that amend various provisions of the Solid Waste Management and Recycling Fund Act, Ark. Code Ann. § 8-6-601 *et seq.*, particularly Act 602 and Act 819 of 2011, Act 189 of 2009, and Act 1325 of 2005; to establish regulations for the Computer and Electronic Equipment Recycling and Grant Program; to clarify provisions of the Landfill Post-Closure Trust Fund; to clarify the recycling grant program timelines and obligations contained in Ark. Code Ann. § 8-6-609; and to make minor stylistic revisions.

2. On July 11, 2012, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 11 to incorporate these changes. At its regularly scheduled meeting on July 27, 2012, the Commission initiated this rulemaking on Regulation 11. A public hearing was held in Little Rock, Arkansas on September 5, 2012. The public comment period expired on

October 5, 2012. Two written comments were received. ADEQ filed its Response to Comments on October 29, 2012.

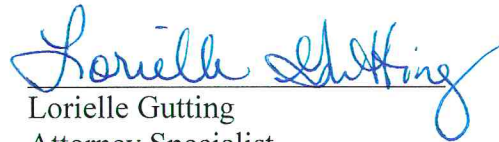
Regulation 11 and this rulemaking contain no technical standards which must be addressed pursuant to APC&EC Reg.8.815(A)(1)(ii).

These rules are in the public interest, and are necessary to insure compliance with both state and federal law.

Respectfully submitted,

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