

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION**

IN THE MATTER OF AMENDMENTS TO)	
REGULATION NO. 11, REGULATIONS FOR)	
SOLID WASTE DISPOSAL FEES; LANDFILL)	DOCKET NO. 16-005-R
POST-CLOSURE TRUST FUND; SOLID)	
WASTE MANAGEMENT AND RECYCLING)	
FUND DISTRIBUTION PROGRAMS)	

**MOTION TO WITHDRAW PETITION TO INITIATE RULEMAKING
TO AMEND REGULATION NO. 11**

Comes now the Arkansas Department of Environmental Quality (ADEQ), by and through its attorney, Lisa Thompson, and for its Motion to Withdraw Petition to Initiate Rulemaking to Amend Regulation No. 11 states:

1. On August 12, 2016, the Arkansas Department of Environmental Quality (ADEQ) filed a Petition to Initiate Rulemaking to Amend Regulation No. 11: Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fund; Solid Waste Management and Recycling Fund Distribution Programs. The Petition has been designated as Docket No. 16-005-R.

2. On August 26, 2016, the Arkansas Pollution Control and Ecology Commission (APC&EC or Commission) granted ADEQ's Petition to Initiate Rulemaking to Amend Regulation No. 11.

3. The notice of public hearing was first published on August 31 and September 1, 2016, at ADEQ Headquarters in North Little Rock, Arkansas. Under this notice, the public hearing was scheduled for September 30, 2016, and the deadline for submission of written comments was October 14, 2016. A second notice was published on October 1 and 2, 2016, to reschedule the public hearing until October 26, 2016, and extend public comments until

November 9, 2016. At the October 26, 2016, public hearing, no written comments were submitted, and no oral comments were received at the public hearing.

4. On September 8, 2016, ADEQ received written public comments from the Arkansas Bureau of Legislative Research.

5. The regulatory amendments have not yet been presented to the Public Health and Welfare Committees of Legislative Council or the Administrative Rules and Regulations Subcommittee of Legislative Council.

6. Pending legislation has been filed which proposes significant changes to Arkansas law related to subject sections of the proposed rulemaking during the 2017 Regular Session of the Arkansas General Assembly. To avoid confusion or potential conflict, ADEQ has determined that the pending regulatory amendments to Regulation 11 should be withdrawn.

WHEREFORE, ADEQ respectfully requests that the Motion to Withdraw Petition to Initiate Rulemaking to Amend Regulation No. 11 be granted by adopting the attached Minute Order.

Respectfully submitted,



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