

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY  
COMMISSION

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AR. POLLUTION CONTROL  
& ECOLOGY COMMISSION  
FILED BY

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IN THE MATTER OF AMENDMENTS TO)  
REGULATION NO. 11, SOLID WASTE )  
DISPOSAL FEES; LANDFILL POST- )  
CLOSURE TRUST FUND; AND )  
RECYCLING GRANTS PROGRAM )

DOCKET NO. 05-007-R

STATEMENT OF BASIS AND PURPOSE

FOR REGULATION NO. 11, SOLID WASTE DISPOSAL FEES; LANDFILL POST-  
CLOSURE TRUST FUND; AND RECYCLING GRANTS PROGRAM

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" or "Department").

This regulation is being amended to incorporate changes made by Act 1325 passed by the legislature in 2005: An Amendment of Regulation 11 is necessary to make the regulation conform to statutory language affected by the Act.

Act 1325 eliminated the use of grant assistance monies from the solid waste management and recycling fund for recycling market development programs. It amended Arkansas Code Annotated § 8-6-601. Chapter 4 of Regulation 11 has been amended to incorporate this change.

On September 23, 2005, ADEQ filed a Petition to Initiate Rule-making to Amend Regulation No. 14 to incorporate these changes. At its regularly scheduled meeting on September 23, 2005, the Arkansas Pollution Control and Ecology Commission initiated this rulemaking on Regulation 14. A public hearing was held in Little Rock, Arkansas on

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November 7, 2005. The public comment period expired on November 18, 2005. No public comments were received.

Regulation 11 and this rulemaking contain no technical standards which must be addressed pursuant to Regulation No. 8, Section 3.6.2(3).

The Commission finds that the proposed revisions to Regulation No. 11 facilitate implementation of the substantive statutes administered by the Department and help to adequately fund the air, water and solid waste programs. These rules are in the public interest, and are necessary to insure compliance with state law.

Prepared by:

A handwritten signature in black ink, appearing to read "Elizabeth Anne Weinstein". The signature is written in a cursive style with a large initial "E".

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY