

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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

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Arkansas
Department of
Pollution
Control and
Ecology
Commission
M. O'Leary

PETITION TO INITIATE RULEMAKING TO AMEND
REGULATION NO.11, REGULATIONS FOR SOLID WASTE DISPOSAL FEES,
LANDFILL POST-CLOSURE TRUST FUND; 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 Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fund; and Recycling Grants Program, states:

1. Regulation No. 11.303 is updated to conform to Section 47 of Act 1281 of 2007, which passed special language that requires the Arkansas Pollution Control and Ecology Commission to prioritize and authorize the expenditures of all funds in excess of \$50,000 per site from the Landfill Post-Closure Trust Fund for corrective action. Expenditures of funds pursuant to this section may only be authorized for sites that were permitted and operated in accordance with state law.

2. Anne Weinstein and/or Mike Robinson from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", and a copy of a Financial Impact Statement for the proposed revision is attached as Exhibit "C", both of which are incorporated by reference. A memorandum explaining why the Arkansas Economic Development Commission approval is not needed is attached as Exhibit "D" and

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hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit "E" and is hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, 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,

Arkansas Department of
Environmental Quality
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BY: Anne Weinstein