

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality  
DIVISION Solid Waste Management Division  
DIVISION DIRECTOR Mike Robinson, Chief  
CONTACT PERSON Anne Weinstein  
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72218-5317  
PHONE NO. 501-682-0743 FAX NO. 501-682-0891  
E-MAIL weinstein@adeq.state.ar.us

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201**

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1. What is the short title of this rule? Regulation No. 11: Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fund; and Recycling Grants Program

2. What is the subject of the proposed rule? Landfill Post-Closure Trust Fund

3. Is this rule required to comply with federal statute or regulations? Yes X  
No \_\_\_\_\_

If yes, please provide the federal regulation and/or statute citation.

Section 47 Act 1281 of 2007

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes \_\_\_\_\_ No X \_\_\_\_\_

If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes \_\_\_\_\_ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No \_\_\_\_\_ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Section 47 of Act 1281 of 2007.

7. What is the purpose of this proposed rule? Why is it necessary? The amendment incorporates legislative changes requiring the Arkansas Pollution Control and Ecology Commission to prioritize and authorize by Minute Order expenditures from the Landfill Post-closure Trust Fund, in excess of \$50,000 per site, for corrective action to remedy environmental impacts closed disposal sites previously operated as a landfill pursuant to state law.

8. Will a public hearing be held on this proposed rule? Yes X No

If yes, please complete the following:

Date: August 21, 2008

Time: 2:00 p.m.

Place: APC&EC Commission Room, 5301 Northshore Drive, North Little Rock, AR

9. When does the public comment period expire for permanent promulgation?  
September 3, 2008
10. What is the proposed effective date of this proposed rule? October 24, 2008
11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No X \_\_\_\_ If yes, please explain.
12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Environmental Quality  
**DIVISION** Solid Waste Management Division  
**PERSON COMPLETING THIS STATEMENT** Anne Weinstein  
**TELEPHONE NO.** 682-0743 **FAX NO.** 682-0891  
**EMAIL:** weinstein@adeq.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Regulation No. 11: Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fees; Illegal Dumps Program; and Recycling Grants Program

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
 Yes \_\_\_\_\_ No X \_\_\_\_\_
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program. Not applicable.

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_  
 (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other \_\_\_\_\_

Total \_\_\_\_\_

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

**Current Fiscal Year**

None

**Next Fiscal Year**

None

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

## MEMORANDUM

TO: MIKE ROBINSON  
CHIEF, SWM DIVISION

THROUGH: MARK FERGUSON *MF*  
CHIEF, LEGAL DIVISION

FROM: ANNE WEINSTEIN *AW*  
STAFF ATTORNEY, LEGAL DIVISION

DATE: JUNE 11, 2008

RE: ANALYSIS OF PROPOSED CHANGES  
FOR REGULATION NO. 11

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Pursuant to Act 143 of 2007, a determination must be made whether or not the proposed changes to Regulation No. 11 will affect small business.

The proposed amendment incorporates legislative changes requiring the Arkansas Pollution Control and Ecology Commission to prioritize and authorize by Minute Order expenditures from the Landfill Post-closure Trust Fund, in excess of \$50,000 per site, for corrective action to remedy environmental impacts closed disposal sites previously operated as a landfill pursuant to state law.

This provision will not have an affect on small business. Further, Act 143 of 2007 exempts from the required analysis rules that "substantially codify existing state or federal law." Since the change proposed in this rulemaking codifies into the regulation new state law as outlined above, this rulemaking should be exempt from the analysis required in Act 143 of 2007.

# **ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS**

*Answer to best of the proponent's ability, as required by APC&EC Regulation 8, Chapter 3.5*

## **STEP 1: DETERMINATION OF ANALYSIS REQUIREMENT (to be included in petition to initiate rulemaking)**

**APC&EC REGULATION NO. 11  
REGULATIONS FOR SOLID WASTE DISPOSAL FEES; LANDFILL POST-CLOSURE  
TRUST FEES; ILLEGAL DUMPS PROGRAM AND RECYCLING GRANTS PROGRAM  
JUNE 2008 UPDATE**

**1A.** Is the proposal expressly addressed by a Federal requirement? No.

If yes, see 1B.

If no, an Economic Impact/Environmental Benefit Analysis is not required.

**1B.** If 1A is YES, is proposed regulation equivalent, or more stringent, or less stringent than federal requirement? N/A

- If equivalent – Economic Impact/Environmental Benefit Analysis is not required
- If more stringent - Economic Impact/Environmental Benefit Analysis is required
- If less stringent - Economic Impact/Environmental Benefit Analysis is not required, but does require federal agency approval prior to adoption if the proposal is part of an authorized state program.

## **STEP 2: THE ANALYSIS (to be included in petition to initiate rulemaking, if required)**

### **2A. ECONOMIC IMPACT**

Not Required.

### **2B. ENVIRONMENTAL BENEFIT**

Not Required.