BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO   )
REGULATION NO. 11, REGULATIONS FOR   )
SOLID WASTE DISPOSAL FEES, LANDFILL   )
POST-CLOSURE TRUST FUND, AND   )
RECYCLING GRANTS PROGRAM   )   DOCKET NO. 08-011-R

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 11, REGULATIONS FOR 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. Pursuant to 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").

On June 13, 2008, ADEQ filed a 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 revisions to Regulation No. 11 are the result of state legislative

or federal regulatory changes enacted or promulgated since 2007. The proposed amendment to

Regulation No. 11 was precipitated by the following:

Arkansas General Assembly Act 1281 of 2007

Amendment of Regulation No. 11 is necessary in order to make the regulation conform

with language affected by the above-referenced Act.

The areas addressed by the amendment adopted by the Commission require the

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
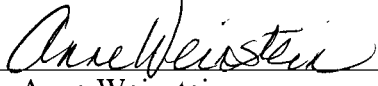
impacts at closed disposal sites previously operated as a landfill pursuant to state law.

The Commission finds that the proposed revision to Regulation No. 11 is in the public interest,

and is necessary to insure compliance with state law.

Prepared by:
Arkansas Department of
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By:_____
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