

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 Roger Lawrence
CONTACT PERSON Lorielle Gutting
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72218-5317
PHONE NO. 501-682-0884 **FAX NO.** 501-682-0891
E-MAIL gutting@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

1. What is the short title of this rule?

 Regulation No. 11: Solid Waste Management Fees, Funds and Grants.

 2. What is the subject of the proposed rule?

 Regulation No. 11 contains the regulations for solid waste disposal fees; Landfill Post-Closure Trust Fund; and the Recycling Grants Program.

 3. Is this rule required to comply with federal statute or regulations? Yes _____
 No X
- If yes, please provide the federal regulation and/or statute citation.
- Not applicable.

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? NA

When does the emergency rule expire? NA

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

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

Not applicable.

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 Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire.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.

Not applicable.

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."

Incorporate statutory changes passed by the General Assembly that amend various provisions of the Solid Waste Management and Recycling Fund Act, Ark. Code Ann. § 8-6-601 *et seq.*, particularly Act 602 and Act 819 of 2011, Act 189 of 2009, and Act 1325 of 2005; establish regulations for the Computer and Electronic Equipment Recycling and Grant Program; clarify provisions of the Landfill Post-Closure Trust Fund; clarify the recycling grant program timelines and obligations contained in Ark. Code Ann. § 8-6-609; and make minor stylistic revisions.

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

Ark. Code Ann. § 8-6-602(d). Act 602 of 2011 (amends Ark. Code Ann. § 8-6-612); Act 819 of 2011 (amends Ark. Code Ann. §§ 8-6-603 and 8-6-609) and Act 1325 of 2005 (amends Ark. Code Ann. § 8-6-609(c)(1)).

7. What is the purpose of this proposed rule? Why is it necessary?

The amendments to Regulation 11 incorporate statutory changes passed by the General Assembly that amend various provisions of the Solid Waste Management

EXHIBIT B

and Recycling Fund Act, Ark. Code Ann. § 8-6-601 *et seq.*, particularly Act 602 and Act 819 of 2011, Act 189 of 2009, and Act 1325 of 2005; establish regulations for the Computer and Electronic Equipment Recycling and Grant Program; clarify provisions of the Landfill Post-Closure Trust Fund; clarify the recycling grant program timelines and obligations contained in Ark. Code Ann. § 8-6-609; and make minor stylistic revisions.

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

If yes, please complete the following:

Date: September 5, 2012

Time: 2:00 -4:00 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?

The period for receiving all written comments shall conclude ten (10) business days after the public hearing pursuant to APC&EC Reg.8.806(B). The projected date for the close of public comment period will be approximately 4:30 p.m. September 20, 2012.

10. What is the proposed effective date of this proposed rule?

Final promulgation of the rule is anticipated on January 25, 2013. The rule will become effective 10 days after filing with the Arkansas Secretary of State, the State Library and the Bureau of Legislative Research, which is anticipated to be February 4, 2013.

11. Do you expect this rule to be controversial? Yes _____ No X If yes, please explain.

Not applicable.

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.

Unknown.