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From: Miller-Rice, Rebecca [miller-ricer@blr.arkansas.gov]
Sent: Thursday, September 08, 2016 03:56 PM Central Standard Time
To: Hynum, Tammie
Subject: ADEQ - APC&EC Reg. No. 11
Good afternoon -

I have finished reviewing the proposed changes to the above-referenced rule and just had the following few questions.

- (1) Reg.11.101(D) - Should the reference be to the "electronic waste recycling fund distribution program" in accord with Ark. Code Ann. §§ 8-6-605(b) and 8-6-612(c)?
- (2) Reg.11.103 - Should the definition of "Landfill" also include the exception set out in Ark. Code Ann. § 8-6-603(3), defining landfill for purposes of the Solid Waste Management and Recycling Fund Act, since the definition contained in Reg.11.103 has been amended to exclude the limitation of "for purposes of the Landfill Post-Closure Trust Fund Program"?
- (3) Reg.11.103 - The regulation has been amended to change the term "Material Recovery Facility" to "Material Recycling Facility." What is the reason for that change where it does not appear that the latter term has been used in the statutes but the former has been?
- (4) Reg.11.205(A), (B), and (C) - In each subsection, the classes of landfills have been delineated, where the respective statutes simply refer to "landfill permittee." Where do these classes come from?
- (5) Reg.11.205(C) - Is there a reason the limiting language from the statute, Ark. Code Ann. § 8-6-612(a)(2), "If a landfill permittee is required or chooses to operate on a weight basis" was not included in method of measure (3)?
- (6) Reg.11.304(A) - This subsection seems to be missing the qualifying language contained in Ark. Code Ann. § 8-6-1002(b)(2)(B)(ii) and (b)(3) regarding expended funds or the lack thereof; however, the language is included in Reg.11.306(B). Is there a reason (1) that the two

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regulations are not consistent with each other where they both appear to address the use of funds and (2) that Reg.11.304(A) does not mirror the statutory language?

Thank you for any assistance you can provide!
Rebecca

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