

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY  
COMMISSION

IN THE MATTER OF AMENDMENTS TO	)	
REGULATION NO. 22, SOLID WASTE	)	
MANAGEMENT RULES	)	DOCKET NO. 04-006-R

STATEMENT OF BASIS AND PURPOSE  
FOR REGULATION NO. 22, SOLID WASTE MANAGEMENT

The Arkansas Pollution Control and Ecology Commission (the "Commission") is given the power and responsibility to promulgate rules and regulations. Under 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").

No updates have been made to this regulation since its adoption in 1995 and many changes have been made within this program which necessitates the updating of this regulation. The entire regulation has been updated to clarify definitions, provide program consistency and consistency in formatting with other Regulations.

The Department proposed to initiate rulemaking on Regulation 22 to update it to be consistent with state legislative changes enacted subsequent to 1995. Amendment of Regulation 22 is necessary to make the regulation conform to state statutory language and federal laws and regulations.

The changes include: 1) a definition of host community to make the regulation consistent with state law; 2) a requirement for a Certificate of Need for both landfills and transfer stations; 3) the ability to permit a landfill for a projected capacity in excess of thirty

years; 4) a requirement for a proposed permittee to demonstrate financial assurance prior to the transfer of a permit; 5) requirements for Annual Engineering reports to include updated contour maps, updated financial assurance documentation and updated closure plans; 6) a requirement for the installation of storage tanks and alarms systems to assure reliability of leachate collection systems; 7) requirements for ground water sampling to conform with SW-486 or the most current approved APA methods, the establishment of background groundwater quality and department approval of sampling and analysis plans; 8) a requirement for a landfill owner or operator to notify the department when a unit stops receiving wastes for disposal and complete closure activities within 180 days thereafter; and 9) requirements for all facilities to post financial assurance by the effective date of the amendments and meet other conditions to conform with state law and 40 CFR §258.

On August 17, 2004, ADEQ filed a Petition to Initiate Rule-making to Amend Regulation No. 22 to incorporate these changes. At its regularly scheduled meeting on August 27, 2004, the Arkansas Pollution Control and Ecology Commission initiated this rulemaking on Regulation 22. Public hearings were held in Springdale on October 4, 2004, and Little Rock on October 6, 2004. The public comment period expired on October 20, 2004. Comments received are addressed separately in the Response to Comments.

Regulation 22 and this rulemaking contain no technical standards which must be addressed pursuant to Regulation No. 8, Section 3.6.2(3).

The Commission finds that the proposed revisions to Regulation No. 22 facilitate implementation of the substantive statutes administered by the Department and help to adequately fund the air, water and solid waste programs. These rules are in the public

interest, and are necessary to insure compliance with both state and federal law.

Prepared by:

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY