

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 22, SOLID WASTE )  
MANAGEMENT RULES )

Docket No. 05-00\_\_-R

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 22, SOLID  
WASTE MANAGEMENT RULES

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 22, Solid Waste Management Rules, states:

1. This regulation is being amended to incorporate Acts 1963 and 1781 of 2005 and to clarify the provisions of Act 631 of 1999, Act 217 of 2001, and Act 1337 of 2003. The amendment also provides for typographical and formatting changes, and several clarifications.
2. The proposed amendment to Regulation No. 22 involves:
  - (A) Reg.22.204 revises the provisions for host community to limit the host community to the nearest governmental unit exercising zoning authority as per Act 1781 of 2005.
  - (B) Reg.22.205 revises the certificate of need process to fully clarify the requirement for a certificate of need for transfer stations as per the provisions of Act 631 of 1999.
  - (C) Reg.22.412 and Reg.22.511 are revised to include all unauthorized wastes in the provisions of the facility Hazardous Waste Exclusion Plan. This includes the addition of a definition of unauthorized waste in Reg.22.102.
  - (D) Reg.22.421(j) and Reg.22.520(c) are revised to clarify the requirements for the installation and utilization of scales at Class 1 and Class 3C Landfills as per Act 1337 of 2003 and Act 217 of 2001.
  - (E) Reg.22.532 is revised to clarify that Class 3 monofills must meet the requirements of Reg.22.501 et seq. for Class 3 Non-commercial landfills and not Class 3 Commercial

landfills.

(F) Reg.22.709 is added to conform to the provisions of Act 1963 of 2005 which ban lights containing mercury from landfill disposal after January 1, 2008.

3. The amendments to this regulation will have no financial impact on small businesses.
4. Anne Weinstein and/or Steve Martin from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", a copy of a financial impact statement for the proposed revision is attached as Exhibit "C", and a copy of the Economic Impact/Environmental Benefit Analysis is attached as Exhibit "D", all of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit "E" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Arkansas Pollution Control and Ecology Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 22.

Respectfully Submitted,

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By: Anne Weinstein