

MEMORANDUM

TO: STEVE MARTIN  
CHIEF, SWM DIVISION

THROUGH: ELLEN CARPENTER  
CHIEF, LEGAL DIVISION

FROM: ANNE WEINSTEIN  
STAFF ATTORNEY, LEGAL DIVISION

DATE: NOVEMBER 20, 2007

RE: ANALYSIS OF PROPOSED CHANGES  
FOR REGULATION NO. 22

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Pursuant to Act 143 of 2007, a determination must be made whether or not the proposed rules will affect small business.

The proposed changes for Regulation No. 22 include the following:

1. Implement and define the requirements of Act 452 of 2007 which amended A.C.A. § 8-14-104(a). The statute prohibits any person or entity from knowingly placing or disposing of the bulb or tube portion of an electric lighting device containing more than two-tenths milligram per liter of leachable mercury in a landfill after January 1, 2008.
2. Implement and define the recordkeeping requirements of Act 1337 of 2003 which amended A.C.A. § 8-6-606(d)(1). This Act requires Class 1 and Class 3 Commercial landfill operators to install scales to weigh waste disposed in landfills. This is a housekeeping change which clarifies that operators must keep weight tickets instead of weight or volume tickets.
3. Implement the requirements of Act 1281, Section 47 of 2007 which requires the Arkansas Pollution Control and Ecology Commission to prioritize and authorize the expenditures of all funds in excess of \$50,000 per site from the Landfill Post-Closure Trust Fund for corrective action. This Act is not codified, but as it pertains to administrative actions of a state commission and not small businesses, there should be no affect on small businesses.

The first two provisions may have an affect on small business. However, Act 143 of 2007 exempts from the required analysis rules that “substantially codify existing state or federal law.” Since each change proposed in this rulemaking codifies into the

## EXHIBIT D

regulation new and existing state law as outlined above, this rulemaking should be exempt from the analysis required in Act 143 of 2007.