

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 22, SOLID WASTE) DOCKET NO. 07- -R
MANAGEMENT RULES)

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, the Regulation for Solid Waste Management Rules, states:

1. Regulation No. 22.421(d)(2) is updated to clarify that Class 1 landfill operators must maintain waste receipt records of the weight of waste disposed in the landfill by each hauler or generator. This is a housekeeping change to make Regulation No. 22 conform to Act 1337 of 2003, codified at A.C.A. § 8-6-606(d)(1), which required operators to install scales.
2. Regulation No. 22.520(c) is also updated to clarify that Class 3 landfill operators must maintain waste receipt records of the weight of waste disposed in the landfill. This is a housekeeping change to make Regulation No. 22 conform to Act 1337 of 2003, codified at A.C.A. § 8-6-606(d)(1), which required operators to install scales.
3. Act 452 of 2007 amended A.C.A. § 8-14-104(a) concerning the disposal of electric lighting devices containing mercury. The Department proposes this rulemaking to make the provisions of Regulation No. 22 conform to the statutory language affected by this Act. This requires a change in Regulation No. 22.709 to state that after January 1, 2008, no person or entity shall knowingly place or dispose 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.
4. Act 1281 of 2007 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. Expenditures of funds may only be authorized for permitted sites that have been certified to be closed properly by ADEQ. The Department proposes amending Regulation No. 22 by adding a new section to Chapter 13, the chapter that addresses closure and post-closure care. The requirements of Act 1281 of 2007 are set forth in a new section, Regulation No. 22.1304.

5. 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”, and a copy of a financial impact statement for the proposed revision is attached as Exhibit “C”, both of which are incorporated by reference. An analysis of the impact to small business required pursuant to Act 143 of 2007 (formerly Executive Order 05-04), is attached as Exhibit “D” and hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit “E” and is hereby incorporated by reference. A proposed minute order is attached as Exhibit “F” and is hereby incorporated by reference.

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

Respectfully Submitted,

Arkansas Department of
Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72218-5317
(501)682-0743

BY: Anne Weinstein