



DIVISION OF ENVIRONMENTAL QUALITY

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PROPOSED AMENDMENT TO APC&EC PART 8 CAR § 60-101, et seq.: “SOLID WASTE MANAGEMENT RULES”

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PURPOSE AND AUTHORITY

The Department of Energy and Environment and the Division of Environmental Quality (“DEQ”) propose this rulemaking regarding Part 8 CAR § 60-101, et seq.: “Solid Waste Management Rules.” This rulemaking is necessary to amend the current rule to apply new requirements set forth in Act 791 of 2025, Section 39. The Arkansas Pollution Control and Ecology Commission (“APC&EC” or “Commission”) has general rulemaking authority through Ark. Code Ann. § 8-1-203(b)(1)(A), and specific authority to promulgate amendments to this rule through Ark. Code Ann. § 8-6-207(b).

BACKGROUND

Part 8 CAR § 60-101, et seq., “Solid Waste Management Rules,” regulates the collection and disposal of solid waste in the State of Arkansas. Subpart 13 pertains to landfill closure and post-closure care. The rules provide requirements for the appropriate closure of landfills and for the care of these facilities after they have been appropriately closed. 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides requirements for the use of the Landfill Post-Closure Trust Fund for corrective actions deemed necessary by the Director of Environmental Quality to abate contamination of the environment from a landfill that was certified as closed by the Division of Environmental Quality.

THE PROPOSED RULE AMENDMENTS

The proposed rulemaking regarding Part 8 CAR 60-101, et seq., “Solid Waste Management Rules,” amends the rule to conform to new requirements which were established in Act 791 of 2025, Section 39. This section of the act provides that any expenditure of **“in excess of \$2,000,000** per site from the Landfill Post-Closure Trust Fund” for a corrective action to remedy environmental impacts “shall be subject to the review and approval by the Arkansas Pollution Control and Ecology Commission.” Subsection (b) of 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides that any expenditures **in excess of \$50,000** “from the fund for corrective action for remedy to environmental impacts of closed disposal sites. . . will be prioritized and authorized by the Arkansas Pollution Control and Ecology Commission, by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.” The proposed rule amendment increases the amount of the expenditure threshold from \$50,000 to \$2,000,000 to make the section consistent with Act 791 of 2025.

NECESSITY OF RULE AMENDMENTS

The amendments to APC&EC Part 8 CAR 60-101, et seq., “Solid Waste Management Rules,” are necessary to make the rule consistent with Act 791 of 2025.