

NOTICE OF TWO PUBLIC HEARINGS

The Arkansas Pollution Control and Ecology Commission will hold public hearings at North Little Rock March 3, 2008, to receive comments on proposed revisions to the Commission's Regulation 32 (Environmental Professional Certification) and Regulation 23 (Hazardous Waste Code). The hearings will be held in the Arkansas Department of Environmental Quality's (ADEQ) Commission Room, 5301 Northshore Drive. The Regulation 32 hearing will begin at 2:00 p.m., and the Regulation 23 hearing will begin immediately after the Regulation 32 hearing ends.

Commission authority for revising Regulation 23 is found in the Arkansas Code, Annotated (A.C.A.), Section 8-7-201, et seq.; while authority for revising Regulation 32 is found in A.C.A., Section 8-7-1301, et seq.

Proposed changes to Regulation 32 are designed to implement provisions of Act 864 of the 2007 Arkansas General Assembly, which affect contractors and consultants who undertake investigation and cleanup of properties contaminated by the illegal manufacture of controlled substances.

Among the proposed revisions to Regulation 32 are:

- Addition of new language regarding the purpose of the regulation, authority for the regulation, and definitions of terms used in the regulation.
- Addition of a new chapter to establish certification criteria for clandestine laboratory remediation contractors (CLRCs);
- Amendments to Section 32.601 to provide for biennial certification renewal for CLRCs.
- Changes to Section 32.605 providing for continuing education requirements for CLRCs.
- Revisions to Section 32.606 to establish application and renewal fees for CLRCs and to establish a technical review fee for property cleanup plans and related documents.
- Amendments to Section 32.607 to provide a certification statement for CLRCs.
- Addition of a new Chapter 7 to establish disciplinary actions and an appeals procedure for improper actions by CLRCs.

Proposed changes to Regulation 23 mainly involve incorporating into the Arkansas regulation changes to federal hazardous waste regulations adopted between August 5, 2005, and December 31, 2007.

Regulation 23 proposed revisions include:

- Correction of a variety of errors in the federal hazardous waste and used oil regulations which have occurred in recent years.
- Addition of new language providing for a standardized permit available to noncommercial federal Resource Conservation and Recovery Act (RCRA) facilities which treat, store, or dispose of hazardous wastes.

- Revision of wastewater treatment exemptions for hazardous waste mixtures, commonly called “headworks exemptions.”
- Inclusion of revised federal air quality standards for facilities engaged in combustion of hazardous wastes.
- Adoption of federal procedures designed to reduce compliance burdens for facilities regulated under the federal RCRA and state hazardous waste programs.
- Removal of a previous delisting decision involving wastewater treatment of sludges generated by the Tokusen, USA, facility in Conway.
- Adoption of new language dealing with regulation of cathode ray tube (CRT) disposal and recycling.

A complete listing of the proposed changes to Regulations 23 and 32 can be found on the Drafts of Proposed Regulations page of the ADEQ’s Internet web site at www.adeg.state.ar.us.

Copies of the proposed changes to both regulations are available for public inspection during regular business hours at the ADEQ’s Public Outreach and Assistance Division on the second floor of the ADEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118, or at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; or in the Arkansas State Library located on the State Capitol grounds at Little Rock.

Oral and written comments will be accepted at the hearings, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. March 17, 2008. Written comments should be delivered or mailed to: Kelly Robinson, Public Outreach and Assistance Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments, including the name and mailing address of the sender, should be sent to: reg-comment@adeq.state.ar.us .

For specific questions concerning the proposed regulation revisions, contact Tom Ezell in the ADEQ Hazardous Waste Division; telephone 501-682-0854; electronic mail: hw-help@adeq.state.ar.us.

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