

**QUESTIONNAIRE**  
**FOR FILING PROPOSED RULES AND REGULATIONS WITH THE**  
**ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

<b>DEPARTMENT/AGENCY</b>	Arkansas Department of Environmental Quality
<b>DIVISION</b>	Hazardous Waste Division
<b>DIVISION DIRECTOR</b>	Clyde Rhodes
<b>CONTACT PERSON</b>	
<b>ADDRESS</b>	5301 Northshore Drive, North Little Rock, AR 72118
<b>PHONE NO:</b> (501) 682-0831	<b>FAX NO:</b> (501) 682-0565 <b>E-MAIL:</b> rhodes@adeq.state.ar.us
<b>NAME OF PRESENTER AT COMMITTEE MEETING</b>	Ryan Benefield, Deputy Director
<b>PRESENTER E-MAIL</b>	benefield@adeq.state.ar.us

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

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1. **What is the short title of this rule?**  
  
APC&EC Regulation No. 23, 2009 Annual Update
2. **What is the subject of the proposed rule?**  
  
Hazardous Waste Management
3. **Is this rule required to comply with a federal statute, rule, or regulation?**  
Yes XX No \_\_\_\_\_  
  
If yes, please provide the federal rule, regulation, and/or statute citation.  
40 CFR Part 271

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No XX

If yes, what is the effective date of the emergency rule? N/A  
When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

5. Is this a new rule? Yes \_\_\_\_\_ No XX If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No XX If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes XX No \_\_\_\_\_ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

Mark-up attached as Exhibit "A" to the rulemaking packet. A summary of each revision is provided in the petition in the rulemaking packet.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Hazardous Waste Management Act, A.C.A. §§ 8-7-209(b)(1)  
Arkansas Remedial Action Trust Fund Act, A.C.A. §§ 8-7-506

7. What is the purpose of this proposed rule? Why is it necessary?

Adopts newly-revised federal rules published between December 31, 2007 and June 30, 2009; makes editorial revisions to existing provisions, and removes regulatory language which was moved to Regulation No. 30 during 2008. Revisions are necessary to keep the state hazardous waste regulations current with the corresponding federal requirements.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

[http://www.adeq.state.ar.us/regs/drafts/draft\\_regs.htm](http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm)

9. Will a public hearing be held on this proposed rule? Yes XX No \_\_\_\_\_  
If yes, please complete the following:

Date: October 29, 2009

**Time:** 2:00 p.m.

**Place:** at the Department headquarters at 5301 Northshore Drive, North Little Rock.

**10. When does the public comment period expire for permanent promulgation?**

(Must provide a date.) 4:30 p.m., November 12, 2009

**11. What is the proposed effective date of this proposed rule?** (Must provide a date.) February, 2010 (10 business days following filing of the rulemaking decision with the office of the Secretary of State, after January 30, 2010 APC&E Commission meeting)

**12. Do you expect this rule to be controversial?** Yes ☐ No ☒ If yes, please explain.

**13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.**

NAMES, ADDRESSES, & PHONE NUMBERS	FOR	AGAINST
Arkansas Environmental Federation, 1400 W. Markham Street, Suite 302, Little Rock, AR 72201, (501) 374-0263	X	