

Statement of Basis and Purpose

The Arkansas Department of Environmental Quality maintains and administers a hazardous waste management program to implement the provisions of the Arkansas Hazardous Waste Management Act (Arkansas Code, Annotated, §§ 8-7-201 *et seq.*) and to provide a program which is, at a minimum, equivalent in force and effect to the Federal program as established by the Resource Conservation and Recovery Act, as amended, including but not limited to the Hazardous and Solid Waste Amendments. To this end, the Department, through the procedures of the Arkansas Pollution Control and Ecology Commission, conducts rulemaking at least annually in order to adopt the additions and revisions to the federal hazardous waste regulations promulgated by EPA during the preceding year and update the State hazardous waste program in order to maintain its equivalency to federal requirements.

Federal regulation changes to be added to Regulation 23, listed by topic and date of publication in the *Federal Register*, include:

- Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas; January 2, 2008.
- National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments; April 8, 2008.
- Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019; June 4, 2008.
- Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities; December 1, 2008.
- Federal revisions to Title 40, Code of Federal Regulations, which include changes published in the following *Federal Register* notices:
 - Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (“Headworks Exemptions”); October 4, 2005.
 - Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Final Rule; June 20, 2006.
 - Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations; July 14, 2006.
 - Hazardous Waste Management System; Modifications of the Hazardous Waste Program; Cathode Ray Tubes; July 28, 2006.

In addition to incorporation of changes to conform to federal regulatory provisions, the following ADEQ-initiated revisions to Regulation 23 are proposed:

- Amending Section 3(b) to show June 30, 2009, as the current ending date for adoption by reference of federal hazardous waste regulations as part of Regulation 23.

- Removing and reserving for future use of Section 6(v) to reflect the discontinuance of a fee for a state-specific hazardous waste manifest.
- Revision of Sections 260.20(d), (e), (f)(2), and 270.7(e)(2)(ii) to update references to portions of APC&EC Regulation 8 (Administrative Procedures) which have been revised.
- Removing and reserving for future use Chapter 4, since its language has been moved to APC&EC Regulation 30 (Remedial Action Trust Fund Hazardous Substances Priority Site List); Section 25 of Chapter 4 is being moved to a new paragraph, designated as Section 6(aa).

Compliance with Act 143 of 2007 (formerly Executive Order 05-04)

A copy of the regulatory flexibility questionnaire for the proposed revisions was submitted to the Arkansas Department of Economic Development's Small and Minority Business Coordinator on September 25, 2009. No comments were received from the ADED.