

EXHIBIT A:

STATEMENT OF BASIS AND PURPOSE

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

(A) Revisions to the Requirements for Trans-boundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes. 75 FR 1253-1262; January 8, 2010. This federal rule implemented changes to the agreements concerning the trans-boundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD), established notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country, specified that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance's Office of Federal Activities in Washington, D.C., and requires U.S. receiving facilities to match EPA-provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.

(B) Hazardous Waste Technical Corrections and Clarifications Rule. 75 FR 12989-13009, March 18, 2010; and 75 FR 31716-31717, June 4, 2010. This federal rule made a number of technical changes that correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the *Federal Register*, such as typographical errors, incorrect or outdated citations, and omissions. Some of the corrections are necessary to make conforming changes to all appropriate parts of the RCRA hazardous waste regulations for new rules that have since been promulgated. In addition, these changes clarify existing parts of the hazardous waste regulatory program and update references to Department of Transportation (DOT) regulations that have changed since the publication of various federal RCRA final rules. This rulemaking was amended on June 4, 2010 (75 FR 31716-31717) by withdrawing six of the revisions set out in the original *Federal Register* notice.

(C) Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion. 75 FR 51671-51678, August 23, 2010. This federal rule established a delisting decision for specific wastes produced at the Tokusen, Inc. plant in Conway, which otherwise would be considered F006 hazardous wastes. EPA announced its final decision to delist these wastes on August 23, 2010; this action incorporates the decision into Regulation No. 23 in order to place the delisting into effect.

(D) An editorial correction is made to incorporate a federal revision to **Section 264.1062(a)**, deleting paragraph (a)(2) and consolidating the content to a single paragraph (a). This revision was part of the federal Burden Reduction Rule (71 FR 16862) adopted by the Commission in May 2008, however this amendment was inadvertently omitted when these revisions were incorporated into the body of Regulation No. 23 submitted to the Secretary of State at the completion of that rulemaking.

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 August 31, 2010, as the current ending date for adoption by reference of federal hazardous waste regulations as part of Regulation 23.

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 9, 2010. No comments were received from the ADED.