

EXHIBIT A

STATEMENT OF BASIS AND PURPOSE

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO
REGULATION NO. 23**

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DOCKET NO. 15-001-R

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 23, HAZARDOUS WASTE MANAGEMENT

The Arkansas Pollution Control and Ecology Commission (the “Commission”) is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter “ADEQ or Department”).

On May 7, 2015, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 23, Hazardous Waste Management. The revisions to Regulation No. 23 are to incorporate Federal revisions to the hazardous waste management rules and to make technical and language corrections throughout the regulation. The proposed regulatory amendments involve the following:

- a. To add to Regulation 23 Conditional Exclusions for Solvent Contaminated Wipes, 78 FR 46447, January 31, 2014. This federal rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human

health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.

- b. To add to Regulation 23 Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities, 79 FR 350, March 4, 2014. This federal rule revises the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions.
- c. To add to Regulation 23 Hazardous Waste electronic Manifest System, Final Rule, 79 FR 7517, August 6, 2014. This rule establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system.
- d. To add to Regulation 23 Revisions to the Export Provisions of the Cathode Ray Tube (FRT Rule, 79 FR 36220, December 26, 2014. This Federal rule revises certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow the Agency to better track exports of

CRTs for reuse and recycling in order to ensure safe management of these materials.

- e. To amend Regulation 23, Notice to Terminate the National Environmental Performance Track Program, 74 FR 22741, 8904-8, May 14, 2009. EPA no longer offers the National Environmental Performance Track Program.
- f. To make miscellaneous technical and editorial amendments to the following:
 - **The Introduction, Specific State Requirements for the Hazardous Waste Management Program, and §§ 261.38 and 264.4** are amended to delete all references to Comparable Fuels/Syngas Fuels
 - **§ 3(b)** is amended to update Federal regulations adopted or incorporated by reference;
 - **§ 6, Fees and Costs, Monitoring/Inspection Fees** is revised to charge a set fee of \$500 to Large Quantity Generators and clarifies the amount charged to Small Quantity Generators;
 - **§ 260.10 Subsection B Definitions** is amended to add the definition of Carbon Dioxide stream, CRT exporter, Electronic manifest (or e-Manifest), Electronic manifest system (or e-Manifest system,), No free liquids, Solvent-contaminated wipe, User of the electronic manifest system, Wipe, and to delete the definition of Performance Track member facility;
 - **§ 261.3 (a)(2)(iv)(A)** adds benzene to the list of solvents;
 - **§261.4 Exclusions (a)(16)** is revised to delete reference to comparable fuels/syngas fuels;
§ 268.40 makes an editorial correction to Table TTS Waste Code K088 to the Non-Wastewaters concentration of Lead from 0.11 mg/L TCLP to 0.75 mg/L TCLP;
 - **§ 270.7(j)** makes an editorial correction to the reference of the Arkansas Department of Environmental Quality; and
 - **Miscellaneous Corrections and language changes** in order to correct inconsistencies such as typographical errors, incorrect citations, failure to adopt previous final rules in their entirety, etc., between Regulation 23 and the Federal regulations.

On May 7, 2015, ADEQ filed a Petition to Initiate Rulemaking to Amend Regulation No. 23 to incorporate these changes. At its regularly scheduled meeting on May 21, 2015, the Commission initiated this rulemaking on Regulation 23. Two oral comments were received during the meeting to initiate rulemaking procedures. Both comments regarded typographical

errors contained in the Regulation Mark-Up Copy. One written comment, via email, was received on June 24, 2015, in support of the Department's plans to adopt the Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes rule. A public hearing was held in North Little Rock, Arkansas on June 29, 2015. No comments were received during the public hearing. The public comment period expired on July 14, 2015. No additional oral or written comments were received.

Regulation 23 and this rulemaking contain no technical standards which must be addressed pursuant to APC&EC Reg.8.815(A)(1)(ii).

The Commission finds that the proposed revisions to Regulation No. 23 incorporate clarifying language and are of public interest.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "Tammie J. Hynum", written over a horizontal line.

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