

APC&EC REGULATION No. 23:
HAZARDOUS WASTE MANAGEMENT
Proposed Amendments – Executive Summary
April 2017

The Arkansas Department of Environmental Quality (ADEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission to Regulation No. 23 (Hazardous Waste Management) to adopt Federal revisions to the hazardous waste management rules and to make technical, stylistic, and formatting corrections. The Commission's authority for amending Regulation 23 is found in Arkansas Code Annotated § 8-7-209(b)(1).

Proposed changes include:

The following federal regulation changes that are proposed to be added to Regulation 23, listed by topic and date of publication in the *Federal Register*:

- Definition of Solid Waste. 80 FR 1694-1814, January 13, 2015. This federal rule revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material.
- Vacatur of the Comparable Fuels Rule and the Gasification Rule. 80 FR 18777 - 18780, April 8, 2015. This federal rule is revising regulations associated with the comparable fuels exclusion and the gasification exclusion, originally issued by EPA under the Resource Conservation and Recovery Act (RCRA). These revisions implement vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), on June 27, 2014.
- Disposal of Coal Combustion Residuals from Electric Utilities. 80 FR 21302 - 21501, April 17, 2015. This federal rule is codifying a list of wastes generated primarily from processes that support the combustion of coal or other fossil fuels that when co-disposed with coal combustion residuals are not subject to hazardous waste regulations. This action codifies long-standing Agency guidance and reflects Congressional intent.

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The following state-specific revisions are proposed for inclusion in APC&EC Regulation 23:

- Miscellaneous corrections, stylistic, and formatting changes to correct inconsistencies such as typographical errors, incorrect citations, failure to adopt previous final rules in their entirety, etc., between Regulation 23 and the current federal code.