

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**IN THE MATTER OF AMENDMENTS TO            )**  
**REGULATION NO. 23: HAZARDOUS            )**       **DOCKET NO. 20-\_\_\_-R**  
**WASTE MANAGEMENT                            )**

**PETITION TO INITIATE RULEMAKING TO AMEND**  
**REGULATION NO. 23: HAZARDOUS WASTE MANAGEMENT**

Comes now, the Arkansas Department of Energy and Environment, Division of Environmental Quality (“DEQ” or the “Division”), by and through its attorney, Daniel Pilkington, and for its Petition to Initiate Rulemaking to Amend Regulation No. 23: Hazardous Waste Management, states:

1. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission can promulgate the necessary rules to:
  - a. Adopt the mandatory federal rules into the state delegated hazardous waste management program;
  - b. Adopt the mandatory federal revisions of the definition of Solid Waste;
  - c. Adopt the mandatory federal revisions vacating the Comparable Fuels Rule and the Gasification Rule;
  - d. Adopt the federal rules on disposal of coal combustion of residuals from electric utilities;
  - e. Adopt the federal rule changes to the requirements for imports and exports of hazardous waste;
  - f. Adopt the federal hazardous waste generator rule improvements;
  - g. Adopt the federally mandated confidentiality determinations for hazardous waste export and import documents;

- h. Adopt the federally mandated hazardous waste electronic manifest user fee rule;
- i. Address miscellaneous corrections and language changes in order to correct inconsistencies between APC&EC Reg. 23 and the current federal code; and
- j. Adopt amendments required by Act 315 of 2019 to change all references of “Regulation” to “Rule,” and to change in terminology to conform to the Transformation and Efficiencies Act of 2019.


2. David Witherow, Jarrod Zweifel, and Daniel Pilkington from DEQ will be available to answer questions concerning this proposed rulemaking.

3. The following exhibits to this petition are hereby incorporated by reference:

- a. Exhibit A: Mark-up version of the regulation showing the proposed changes;
- b. Exhibit B: Governor Approval;
- c. Exhibit C: Copy of the Legislative Questionnaire;
- d. Exhibit D: Copy of a Financial Impact Statement;
- e. Exhibit E: Copy of the Economic Impact/Environmental Benefit Analysis;  
and
- f. Exhibit F: Proposed Minute Order.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 23.

Respectfully Submitted,

By:   
Daniel Pilkington, Managing Attorney  
Division of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72218  
(501) 682-0918  
Daniel.pilkington@adeq.state.ar.us