

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 27, LICENSING OF)
OPERATORS OF SOLID WASTE)
MANAGEMENT FACILITIES AND)
ILLEGAL DUMPS CONTROL OFFICERS)

Docket No. 05-00__-R

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 27,
LICENSING OF OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES AND
ILLEGAL DUMPS CONTROL OFFICERS

The Arkansas Department of Environmental Quality (hereinafter "ADEQ" or "the Department"), for its Petition to Initiate Rulemaking to Amend Regulation No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers, states:

1. Act 728 of 2005 enlarged the duties and powers of the Solid Waste Licensing Committee.

The Department proposes this rulemaking to make the provisions of Regulation 27 conform to the statutory language affected by Act 728 of 2005. The amendment also provides for changes in the names of the Department and the Commission to conform to Act 1154 of 1999. References to the effective date of July 1, 1999 for implementing prior changes in Regulation 27 have been deleted. Typographical and formatting changes are also proposed.

2. The proposed regulatory amendments to Regulation No. 27 involve the following:

(A) Chapter 2 authorizes the Solid Waste Licensing Committee to:

- (1) Conduct inquiries and establish findings necessary to advise the Commission and the Department on irregularities encountered in the management of the licensing program;
- (2) Conduct inquiries and establish facts necessary to advise the Commission and the Department on the actions of licensees; and

(3) Recommend administrative sanctions, including, but not limited to, the suspension and revocation of licenses as necessary to promote the professional integrity of solid waste licensees.

(B) The Department proposes changes to Chapter 6 to give notice to a licensee of the right to appeal the suspension or revocation of a license.

3. The amendments to this regulation will have no financial impact on small businesses because the revisions are identical to changes made by the legislature in state law.
4. Anne Weinstein and/or Steve Martin from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", a copy of a financial impact statement for the proposed revision is attached as Exhibit "C", and a copy of the Economic Impact/Environmental Benefit Analysis is attached as Exhibit "D", all of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit "E" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Arkansas Pollution Control and Ecology Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 27.

Respectfully Submitted,

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