

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. 16-____-R

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

Comes now, the Arkansas Department of Environmental Quality (hereinafter ADEQ or the Department), for its Petition to Initiate Rulemaking to Amend Arkansas Pollution Control & Ecology Commission (hereinafter APC&EC) Regulation No. 27, Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers, states:

1. The following amendments are proposed for Regulation No. 27 pursuant to the provisions of Ark. Code Ann. § 8-6-905(a), which allow the APC&EC to modify regulations implementing the substantive statutes charged to the ADEQ for administration and enforcement.

2. The proposed regulatory amendments are as follows:

A. To amend Reg.27.201 to add, “(L) To allow the Director to grant a written waiver from the solid waste management facility licensing requirements of this regulation; and”;

B. To amend Reg.27.201 to add, “(M) To allow the Director to withdraw a written waiver from the solid waste management facility licensing requirements for just cause by written notice to the county, municipality, governmental subdivision, public or private corporation, or other persons to whom the written waiver is being granted.”; and

C. To correct a spelling error by amending Reg.27.103 in the definition of "Recovered Materials" by replacing "feasibley" with "feasibly";

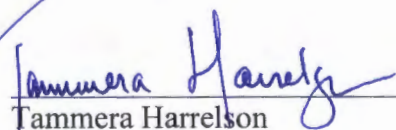
D. To make minor stylistic and formatting corrections throughout the Regulation.

These changes will make the regulation consistent with the requirement of Ark. Code Ann. § 8-6-903 *et seq.*

Tammie J. Hynum, Senior Manager, Regulated Waste Programs of the Office of Land Resources, will be available to answer questions concerning this proposed rulemaking. A mark-up version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Governor's approval is attached as Exhibit "B", a copy of the Legislative Questionnaire is attached as Exhibit "C", and a copy of the Financial Impact Statement is attached as Exhibit "D", all of which are incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis pursuant to Reg. 8.812 is attached as Exhibit "E" and is hereby incorporated by reference. A proposed Minute Order is attached as Exhibit "F" and is hereby incorporated by reference.

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

Respectfully submitted,


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