

Exhibit B:

Responsive Summary

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION 27: LICENSING OF OPERATORS) DOCKET NO. 20-001-R
OF SOLID WASTE MANAGEMENT FACILITIES)
AND ILLEGAL DUMPS CONTROL OFFICERS)**

RESPONSIVE SUMMARY

Comes now the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), by and through Daniel Pilkington, Attorney Specialist, Office of Chief Counsel, and provides this Responsive Summary as required under Arkansas Pollution Control and Ecology Commission Regulation No. 8.815.

I. INTRODUCTION

The public comment record for Docket No. 20-001-R contains one (1) public comment and one comment from the Bureau of Legislative Research pertaining to Arkansas Pollution Control and Ecology Commission Regulation No. 27, entitled “Licensing of Operators of Solid Waste Management Facilities and Illegal Dumps Control Officers.”

The Notice of Proposed Regulation Changes, Public Hearing, and Public Comment Period was published on February 1 and 2, 2020. The Arkansas Pollution Control and Ecology Commission conducted one (1) public hearing on the proposed amendments to Regulation 27 in North Little Rock on March 9, 2020. The public comment period ended on March 23, 2020, at 4:30 p.m. (Central Time).

II. RESPONSES TO WRITTEN COMMENTS

The following people or organizations made written comments during the public comment period:

A. COMMENT FROM THE BUREAU OF LEGISLATIVE RESEARCH

COMMENT: Rebecca Miller-Rice, Legislative Attorney, Administrative Rules Section, Bureau of Legislative Research.

“I have finished looking over the above-referenced proposed rules changes, and I just had the following questions:

- (1) Rule 27.102 – I just thought that I would mention that this section appears to still contain the term “regulations.”
- (2) Rule 27.103, Definitions –
 - (a) Is there a reason that the definition for “Environmental violations” does not also include all of the language set forth in Ark. Code Ann. § 8-6-2003(4)?
 - (b) Should the initial reference to “§ 8-6-2005” be “§ 8-6-2005(1)” since subsections (2) and (3) of that statute are also enumerated?”

RESPONSE: DEQ acknowledges the comment and responds as follows:

In regard to question #1, DEQ agrees and has made the changes to Rule 21.102 of the Revised Mark-up Draft to remove the word “regulations.”

In regard to question #2(b), DEQ agrees and has made the first reference to “§ 8-6-2005” be “§ 8-6-2005(1)” in the Revised Mark-up Draft. In regard to question #2(a), the definition of environmental violation in Rule 27.103 was changed from the definition set forth in Ark. Code Ann. § 8-6-2003 to clarify and simplify the definition. The purpose of this Act is to address conduct prohibited under § 8-6-2005 for illegal dumping of solid waste, the creation/furtherance of an illegal dump site, and illegal dumping of solid waste as it is addressed for waste tires in our Tire Act, § 8-9-401 *et seq.* Based on the wording of § 8-6-2004-2005, the language in § 8-6-2003 (4)(B) can only address the “conduct prohibited in 8-6-2005,” or violations of the Tire Act. DEQ is enforcing violations of illegal dumping of solid waste in violation of § 8-6-2005 and the Tire Act, but § 8-6-2004 doesn’t state this clearly. To avoid redundancy and to clarify the rule’s

application to illegal dumping violations and the Tire Act, DEQ drafted this portion of the rule that does not strictly mirror the wording of 8-6-2003(4).

B. PUBLIC COMMENT

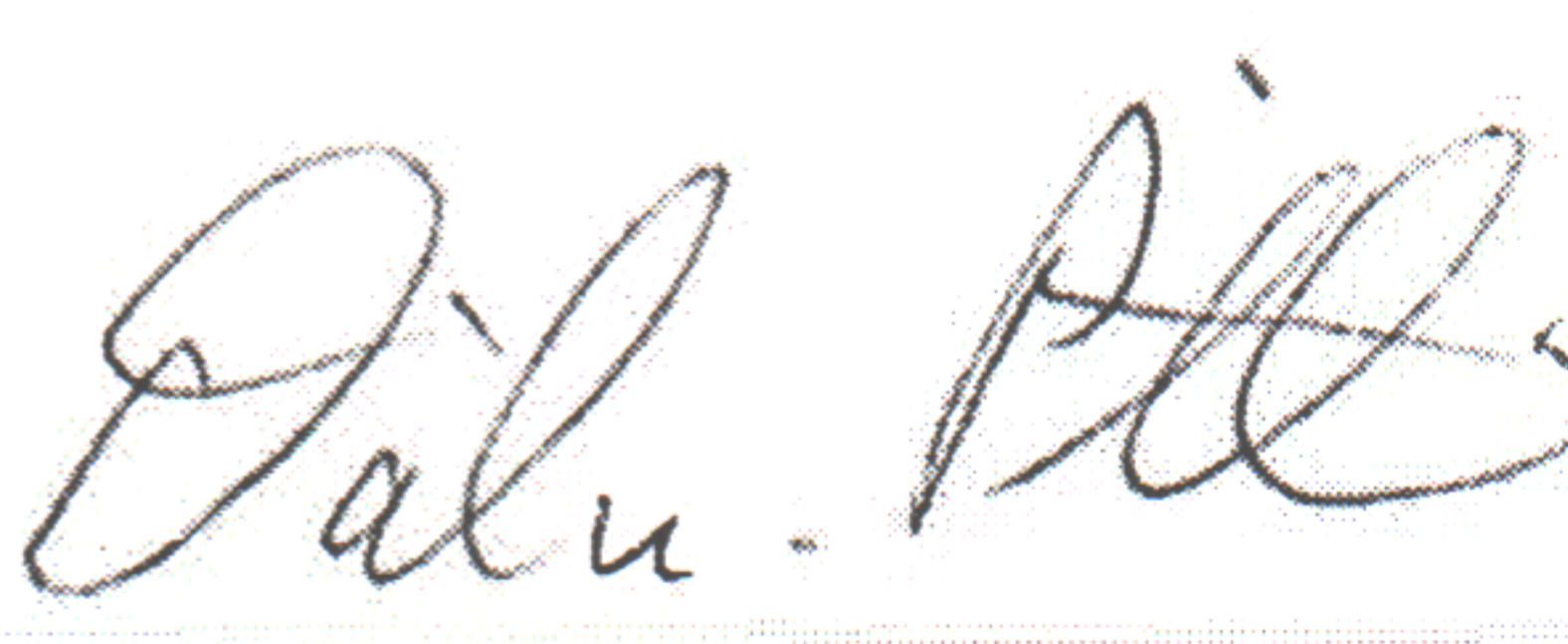
COMMENT: Michael J. Daniels, Vice Chairperson, Southern Environmental Enforcement Network (SEEN).

“I was provided a copy of proposed changes to APC & EC Rule 27. I observed a reference to SEEN on page 17 of proposed changes. SEEN is listed as one of the approved providers of training to ‘operators.’ Based upon my appreciation of who an ‘operator’ is, this may not be correct.

SEEN is more qualified to provide training to a person who is an ‘Environmental Officer.’”

RESPONSE: DEQ agrees and has made the change to the Revised Mark-up Draft that was suggested. The Southern Environmental Enforcement Network (SEEN) has been removed as one of the approved providers of training for “operators.”

Respectfully Submitted,

By: 

Daniel Pilkington, Attorney Specialist
Arkansas Department of Energy and
Environment, Division of Environmental
Quality
5301 Northshore Drive
North Little Rock, Arkansas 72218
(501) 682-0918
Daniel.pilkington@adeq.state.ar.us