



ARKANSAS

ENERGY & ENVIRONMENT

Proposed amendment to APC&EC RULE No. 27: LICENSING OF OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES AND TRAINING AND CERTIFICATION REQUIREMENTS FOR ENVIRONMENTAL OFFICERS

December 7, 2021

PURPOSE

The Arkansas Division of Environmental Quality (DEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission amending Rule No. 27: LICENSING OF OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES AND TRAINING AND CERTIFICATION REQUIREMENTS FOR ENVIRONMENTAL OFFICERS, in order to promulgate new mandated rules for DEQ's administration of the Environmental Compliance Resource Program, new mandatory rules for DEQ's administration of the licensing program for solid waste management facility operators, new mandatory rules for the licensing requirements of environmental officers, and new mandatory rules for the licensing requirements of solid waste management facility operators.

BACKGROUND

The Commission's authority to amend Rule No. 27 to address these changes is found in Arkansas Code Annotated §§ 8-6-2006, 8-6-2007(a), and 8-6-905. DEQ proposes to initiate this rulemaking to comply with Arkansas law and incorporate statutory changes from Act 749 of 2021 and Act 773 of 2021 passed by the Arkansas General Assembly.

KEY POINTS

1. Definitions of "Environmental Officer" and "Environmental violation" are amended to include references to open burning violations and all violations of Title 8, Chapter 6.
2. Fees for the solid waste management facility operator licensing program will now be paid on a biennial basis.
3. All solid waste management facility operator licenses are renewable and require 12 hours of continuing education training biennially for renewal.
4. Environmental officer and solid waste management facility operator license reciprocity is granted if an out of state program has "substantially equivalent" licensing requirements.
5. Requirements for provisional status and reinstatement of solid waste management facility operator licenses and environmental officer licenses are added.

6. Changes to Appendix C and the Uniform Environmental Officer citation form were made so that Environmental Officers can now cite violations for open burning and any violation of title 8, chapter 6.
7. Class C solid waste management facility operator licenses now require 30 course hours of training for qualification.

DISCUSSION

The licensing programs for solid waste management facility operators and environmental officers are administered by DEQ pursuant to statutory requirements and promulgation of rules by the Arkansas Pollution Control and Ecology Commission. Based on recent legislative changes in the 2019 and 2021 session to the laws that directly impact these programs, DEQ needs to initiate a rulemaking and amend APC&EC Rule 27 to conform with current law and to more efficiently administer these programs.

RECOMMENDATION

DEQ recommends that the proposed amendments to Rule 27 be approved so that initiation of the rulemaking process can commence.