

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
RULE NO. 27: LICENSING OF) DOCKET NO. 22-__-R
OPERATORS OF SOLID WASTE)
MANAGEMENT FACILITIES AND)
TRAINING AND CERTIFICATION)
REQUIREMENTS FOR ENVIRONMENTAL)
OFFICERS)

PETITION TO INITIATE RULEMAKING TO AMEND
RULE NO. 27: LICENSING OF OPERATORS OF
SOLID WASTE MANAGEMENT FACILITIES AND
CERTIFICATION REQUIREMENTS FOR ENVIRONMENTAL OFFICERS

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 Rule No. 27: Licensing of Operators of Solid Waste Management Facilities and Certification Requirements for Environmental Officers, states:

1. DEQ proposes this rulemaking to amend Rule 27, Licensing of Operators of Solid Waste Management Facilities and Certification Requirements for Environmental Officers, as is authorized generally under Ark. Code Ann. § 8-1-203, and specifically under Ark Code Ann. §§ 8-6-2006, 8-6-2007(a), and 8-6-905.

2. DEQ proposes to initiate this rulemaking so that the Arkansas Pollution Control and Ecology Commission can promulgate the necessary rules to:

a. Amend Definitions of “Environmental Officer” and “Environmental violation” to include references to open burning violations and all violations of Title 8, Chapter 6;

b. Amend provisions for fees for the solid waste management facility operator licensing program so that they will now be paid on a biennial basis instead of an annual basis, and amend licensing rules to change the licensing periods from a fiscal year to a calendar year;

c. Amend the rule so that all solid waste management facility operator licenses are renewable and require 12 hours of continuing education training biennially for renewal;

d. Amend the environmental officer and solid waste management facility operator license requirements so reciprocity is granted if an out of state program has “substantially equivalent” licensing requirements;

e. Amend the requirements for provisional status and reinstatement of solid waste management facility operator licenses and environmental officer licenses. This includes amending the rule regarding operator licensing and reducing the period that an operator can recover a lapsed license without taking an examination. The time period will be reduced from one (1) year to three (3) months;

f. Amend Appendix C and the Uniform Environmental Officer Citation Form so that Environmental Officers can now cite violations for open burning and any violation of title 8, chapter 6;

g. Amend Class C solid waste management facility operator license qualifications to require 30 course hours of training for qualification;

h. Amend apprenticeship rules so that Class 1A, Class 2A, and Class 3A apprenticeship licenses are renewable; and

i. Amend the rule to make non-substantive changes to update style and usage, and corrections of grammatical and typographic errors.

3. Jennifer Parslow and either Daniel Pilkington or Michael McAlister from DEQ will be available to answer questions concerning this proposed rulemaking.

4. 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, DEQ 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,

By: 

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