

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 28: COUNTY )  
RECYCLING PROGRAMS REGULATION )

DOCKET NO. 04-004-R

**PETITION TO INITIATE RULEMAKING TO AMEND  
REGULATION NO. 28, REGULATION OF THE STATE OF  
ARKANSAS FOR COUNTY RECYCLING PROGRAMS**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 28, Regulation of the State of Arkansas for County Recycling Programs, states:

1. The Department proposes this rulemaking primarily to make reporting requirements less stringent, to increase the options of acceptable recyclable materials, to make the provisions of Regulation 28 conform stylistically to the other Regulations of the Commission, and to provide improved readability and ease of use by citizens of the State of Arkansas.
2. The Department proposes the following changes and inclusions to Regulation 28:
  - (A) A cover page;
  - (B) A table of contents;
  - (C) A new numbering system for each section;
  - (D) A Chapter which contains the scope, authority, and purpose;
  - (E) A section which states the scope;
  - (F) A section which states the authority;
  - (G) A chapter which contains the definitions;
  - (H) A change to the definition of Department to the “Arkansas Department of Environmental Quality or its successors”;

(I) A change to the definition of Director to the Director of the Arkansas Department of “Environmental Quality”;

(J) A change to the title of the chapter “Adequacy of recyclable materials collection centers and numbers and types of recyclable materials to be collected” to “Collection Centers Requirements”;

(1) A new subtitle for location within this chapter;

(2) A new subtitle for operating hours within this chapter;

(3) A new subtitle for quality control within this chapter;

(4) A new subtitle for marketing materials requirement within this chapter;

(5) A new subtitle for grant use requirements within this chapter;

(6) A new subtitle for public awareness within this chapter;

(7) A new subtitle for required recyclable material within this chapter;

(8) A new subtitle for adequate existing county recycling facilities within this chapter;

(9) A new subtitle for county exemption procedures within this chapter;

(K) A change to the title of the chapter “Adequacy of recyclable materials collection systems and numbers and types of recyclable materials to be collected” to “Collection Systems Requirements”;

(1) A new subtitle for minimum requirements for collection systems within this chapter;

(2) A new subtitle for public awareness within this chapter;

(3) A new subtitle for required recyclable material within this chapter;

- (4) A new subtitle for adequate existing county recycling systems within this chapter;
- (5) A new subtitle for county exemption procedures within this chapter;
- (L) Within the chapter on acceptable recyclable materials, a new subtitle for required recyclable material;

- (1) Addition of acceptable recyclable materials:

- (a) Electronics;
- (b) Whole Tires;
- (c) Yard Waste;
- (d) Lead Acid Batteries;

- (M) Within the chapter on Reporting Requirements, the addition of the following subtitles:

- (1) Annual Reporting (which includes a change from semi-annual to annual reporting);

- (2) Survey Requirement (which includes a change from semi-annual to annual reporting);

- (3) Waste Minimization Report (which includes a change from semi-annual to annual reporting);

- (N) A new chapter for the effective date;

- (O) A new subtitle for effective date which complies with Act 1478 of 2003.

3. Robert Hunter, Steve Martin, and/or Deborah Pitts 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 hereto as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B" and is hereby incorporated by reference. A copy of a financial impact statement for the proposed revision is attached as Exhibit "C" and is hereby incorporated by reference. A proposed minute order is attached as Exhibit "D" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Regulation No. 28.

Respectfully Submitted,

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