

Summary of Regulation 22 Possible Changes				
Typos, corrections, clarifications				
		yellow denotes potential for modification		
		other items represent typos, corrections, clarifications		
Page	Citation	Description	Notes	other
1-1	22.102	Clarify that active life exists until department approval of the closure documentation	clarification	
1-5	22.102	"industrial solid waste"	remove "does not include mining or oil and gas waste" (last sentence). Refer to 40 CFR 258.	
1-8	22.102	"Solid waste management plan" - 8-6-1901 et seq., statewide solid waste management plan act.	clarification - add additional reference	
1-8	22.102	"Solid waste recovery facility (WRF) means a" - (Typo w bold print)	typo - remove bold	
1-8	22.102	Add speculative accumulation; this could alter definitions of "recycling" and "recovered materials"	adding the definition for "speculative accumulation" may prove useful	
1-9	22.102	"Transfer Station" definition does not match statute	match statute	
1-10	22.103(b)	"Scope" - typo Part 258andthe (formatting correction)	correct spacing	
1-10	22.103(b)	"Scope" - should not use "commonly referred to" terminology and it is incorrect to say Part 257 facilities are not "Subtitle D"	clarification/typo	
1-11	22.103(c)	investigate the need for CDRF permit class all these as SWRF	Currently there are no CDRFs - CDRFs presumably would operate the same as a SWRF	
1-11	22.103(c)	"Solid Waste Recovery Facilities" (WRF): - C & D MRF all types? There are some typos here and they left out CDRF. Specifically items 11 and 12 as the relate to SWRF and CDRF	update permit classes - correct typos only	
1-12	22.103(i)(j)	"Use of Recoverd Materials" - [air or surface and ground water quality] human health and environmental change. [air, or surface and ground water quality] human health and environmental change.	add "human health and environment" consideration to these sections	
2-1	22.201	"Solid Waste Management System" - the plan shall be submitted to the Department for approval. Due March 1		
2-2	22.202(g)(1)	"Hauler" - typo with hazards	correct typo	
2-4	22.205	may need update per statute, also clarify that CONs do not grants designs or volume	update per statute, add clarification language	
2-4	22.206(e)(2)	"Director's Decision" - (#2) take out part 2.5 and replace with proper reference to Reg 8	update to current Reg 8 provisions	
3-2	22.302(a)	"Pre-Application Required" - words "disposal permits" need to be replace with the words landfills only	correct typo	
3-3	22.302(b)(11)	Clarify that Reg.22.204 (Host Community Approval) may be required. Suggest adding text: "... and Host Community Approval as required under Reg.22.204."	add clarification, already a requirement of 22.204	
3-3	22.302(c)	"Public Meeting for Proposed Landfill Sites" - words "disposal site" need to be replace with the word "landfill"	add clarification	
3-4	22.303(c)(1)	"Application Contents for Landfills" - too many spaces between the facility"	correct typo	
3-5	22.303(c)(5)	"Application Contents for Landfills" - (5) add Class 4 after Class 3 and change hazardous waste to hazardous waste and unauthorized waste.	update language, already a requirement	
3-5	22.303(c)(6)	typo Chapter 7 not 6	correct typo	
3-6	22.303	Clarify that CON is required in application for expansions of permitted capacity. CON not in list of required items in 303. It is listed for the pre-application in 302, but there is no pre-application for vertical expansions. Copy wording from 302(b)(10) directly to this section.	update language, already required by other sections	
3-6	22.303	Clarify that local authority approval if required per 203 & 204 are required to be in the application. Local authority approval is not in the list of required items in 303. It is listed for the pre-application in 302, but but some older sites may not have gone through the pre-application process. Copy wording from 302(b)(11) directly to this section.	update language, already required by other sections	
3-6	22.303(c)(22)	remove AGFC - no longer reviews, add source water protection	clarification - remove requirement	
3-9	22.307(a)(5)	"Procedures for Permit Transfer" - (typo)add a semicolon at end	correct typo	
4-5	22.408(b)	"Existing Landfills" - typo "areaspermitted" need to put a space areas permitted.	correct typo	
4-5	22.408(c)	Proximity to Highways - Question about mismatch - language in Class 3 & 4 is different from Class 1 - consider "landfill operation" - correct Class 3 and 4	correction - need to change the class 3 and 4 reg to match Class 1	

4-6	22.411(?)	add: "keep records on-site" WHAT RECORDS - TONNAGE??	add requirement - it is not clear what records are in question	
4-6	22.411(?)	"Conformance with Permit Documents" - Ref to Reg. 11	clarification - add this reference to fees regulation	
4-6	22.411(a)	Conformance with Permit Documents - This does not read the same as Class 4 - 22.607(a) - should change to include permit and regulations	clarification	
4-9	22.413(b)	clarify that wastes or recovered materials used for daily cover are considered wastes applicable to Reg 11 fees	clarification	
4-12	22.418(a)	"Applicability - As provided by 40 CFR 258.15..." should be "Applicability - As provided by 40 CFR 258.27..." 40 CFR 258.15 is the section on unstable areas.	correct typo	
4-13	22.420(e)	"Free Liquids Determination" - typo period after test.	correct typo	
4-15	22.421(d)	"Waste Receipt Records" - after number (5) we discussed adding Reg. 11. Also refer back to 22.411(b). Records are stored onsite or alternate approved location.	clarification - storage of records provision are not in current reg	
4-16	22.423	Possible for this or other section: How to obtain updates to "old" permit that were approved under older versions of Reg 22	for stakeholder discussion	
4-16	22.423	closure plans need review by facility when site is near 2-year window to avoid last minute permit mods	for stakeholder discussion	
4-16	22.423(b)	"Report Requirements" - reports shall be submitted on forms made available by department. remember to make this applicable to each LF class (chapter 4,5, & 6)	almost all AEIRs are now submitted on ADEQ forms voluntarily now	
4-16	22.423(b)	Add new item under 22.423(b), maybe between (3) and (4). "Updated earthwork balance as outlined in 22.430" add the same requirements for class 3 and 4 also	change - cases have shown inadequate soil availability at closure	
4-17	22.423(b)(5)(v)	a professional land surveyor, registered in the State of Arkansas, shall perform the initial survey of new units required under Reg. 22.428(h) and final survey of closed units required under Reg. 22.1301(i). The same mis-citation is also in Reg. 22.522 and Reg. 22.619. - Change to 22.428(i)	typo - this should refer to 22.428(i)	
4-19	22.424	Table 1 Design Standard Concentration Values - MCL (mg/l) - Update MCLs listed in Table 1	update to most recent MCL values	
4-23	22.426(b)	survey wells by a professional surveyor (PS), submit in final installation reports	may want to place this in Chapter 11 or both	
4-22	22.426	Should spell out in this section that the initial survey of new units must be performed by a professional land surveyor, registered in the State of Arkansas	clarification - to be consistent with 22.428 and 22.1301	
4-24	22.428(c)(6)	CMC: Change testing frequency from "...one test per every 20,000 cubic yards ..." to "...one test per every 10,000 cubic yards..." CMC: add "Sampling (ASTM D420) "		
4-25	22.428(c)(6)(ii)	CMC: Add D2217 to list of methods for Particle Size	clarification to updated techniques	
4-25	22.428(c)(7)	CMC: Change testing frequency from "...one test per every 5,000 cubic yards ..." to "...one test per every 2,500 cubic yards..." CMC: add "Sampling (ASTM D420) "		
4-25	22.428(c)(7)(ii)	CMC: Add "D2217" to list of methods for Particle Size.	clarification to updated techniques	
4-25	22.428(c)(8)(i)	CMC: Change "D2922" to "D6938"	clarification to updated techniques	
4-27	22.428(l)	typo - 1" = 100'	correct typo	
4-27	22.428(i)	Clarify that an Arkansas Licensed professional surveyor (PS) is required	this is already stated in 22.423 and 22.1301	
4-27	22.428(i)(7)	x-reference should be to 22.424(a)(2) and documentation required by 22.429	correct typo	
4-29	22.429(h)	CMC: Change "...lined area should be provided..." to "...lined area shall be provided..."	facilities are meeting this already, change should to shall	
4-30	22.429(k)(1)	"new or revised permits" needs to say "new or revised contracts for disposal"	clarification	
4-31	22.429(k)(4)	define beneficial use and when is benefit nullified by contaminants or other risks	possible changes - for stakeholder review	
4-32	22.430	"Quantity Summaries" - earthwork for all units and permits must be accounted for - do not double count soils for multi-permit sites	clarification	

4-33	22.430	if a landfill processes soils (eg screening) then closure costs shall be reflective of actual soil production costs and adequate FA provided	clarification	
4-33	22.430	if a landfill relies on off-site soils then closure costs shall be reflective of actual off-site soil costs and adequate FA provided	clarification	
4-33	22.430	require FA for borrow pit reclamation (on-site)	clarification	
5-##	22.5##	Additional proposed language to outline land application of waste requirements		
5-3	22.510(?)	add: "keep records on-site" WHAT RECORDS - TONNAGE??	add requirement - it is not clear what records are in question	
5-3	22.510(a)	should change to match chapter 4 language - it doesnt include "regulations" see 22.607(a)	clarification	
5-10	22.520(c)	"Waste Receipt Records" - under (c) need to add ref. to Reg 11. Necessary clarification to support collection of disposal fees.	clarification	
5-11	22.522	This section does not include "status of capping and closure of completed areas" see 22.423(b)(8); also same in Class 4 requirements	correction - change this class 3 citation to include the same item from Class 1 and 4	
5-11	22.522(a)(5)(v)	refer to previous comment(s) about 22.423(b)(5)(v). Need to change reference from 22.428(h) to 22.428(i).	typo	
5-12	22.523(c)	"Definitions" - As used in this section "Contaminate" means to introduce a substance that would cause exceedance of MCL in Appendix 3. Other Non-MCL parameters are monitored based on a note in Appendix 3, it should be more clear that these other paramaters may potentially "contaminate."	clarification	
5-14	22.527	Change "... set forth in Reg. 22.517 and 22.518..." to "...set forth in Reg. 22.427..."	clarifications - also may mention 22.418 and 22.419, and 22.427	
6-2	22.607(?)	add: "keep records on-site" WHAT RECORDS - TONNAGE??	add requirement - it is not clear what records are in question	
6-2	22.607	add provision that the working face is supervised by operator, same as Class 1		
6-2	22.605(d)	"Proximity to Highways" - question about adding changing the wording to match 22.408(c) or vice-versa. Currently Class 3 and 4 landfills must screen the "landfill." Class 1 must screen the "landfill operations."	change to match Class 1	
6-5	22.609(b)	typo - "waste of" to "waste or"	typo	
6-5	22.611(a)(1)	"Standards" - question about twentyfive. Change 25 percent to 25%.	typo/format	
6-8	22.617	"Waste Receipt Records" - take out meets the requirement of Reg. 22.421 and add ref to Reg. 11.	clarification	
6-8	22.619(b)(2)	change "Class 1" to "Class 4" (typo)	typo	
6-9	22.619(b)(5)(v)	refer to previous comment(s) about 22.423(b)(5)(v). Need to change reference from 22.428(h) to 22.428(i).	typo	
6-10	22.620	refer to comments regarding 22.523(c) adjust language accordingly	clarification	
6-10	22.621	"Applicability" - this wording based on the 1995 version of reg 22. We do not have renewals anymore.	clarification - update outdated language	
6-11	22.624(a)	CMC: add "Certification Report - Construction shall be documented in a certification report conforming to Reg. 22.428."	clarification - 22.428 includes the CQA report	
7-1	22.701(a)	"Notification and Permit Requirements" - delete "Chapter 8" (typo) may want to specify Chapter 8, 9, and 10 and reference their correct titles	typo/clarification	
7-1	22-703	"Co-Disposal of Ash" - Statutory changes allow co-disposal of ash in a Class 1 derived from green waste / yard waste incinerators from unlimited source capacity - add new statute language to existing language	statute chage	
7-3	22.708	"Applicability" - consider reverting back to the 1995 regulation which limited PC soil in BTX, TPH, and Napthalene	RST cleanup concerns - stakeholder discussion	include the old or appropriate limits
	22.7xx	commenters have mentioned previously to add new materials such as yard waste, lead-acid batteries, mercury switches as well as further define or clarify restricted wastes identified in the regulation	may need additional sections	

8-2	22.801(e)(5)	this exemption from permitting excludes yard waste from exemption eligibility - it was possibly done so to require yard waste to divert to a permitted compost facility - this is out of line with the modern general permit, MRF exemptions, and exemptions of recovered materials. These provisions indicate Type Y material grinding for legitimate re-purpose is beneficial and encouraged - remove "excluding yard waste" from this citation.		
8-3	22.803(c)	typo/error - paragraph (c) after (b) - correct return, tab spacing, and outline format	typo/format	
8-5	22.804(b)(8)	subsection (8) is missing but the text starts after (7)(iii) need to correct outline list format	format	
8-7	22.805	"Type O and Type S Operating Requirements" -- referred for stakeholders: is 6 month appropriate storage time, it potentially conflicts with chapter 10 which indicates 1 year	"speculative accumulation" is a reasonable consideration, may consider 1 year or other protective limit, refer to stakeholders	
8-8	22.806(b)(3)	is the reference to only Type S a typo? should we remove the reference? Or, do the first three lines apply only to Type O? At the end of the third line Type S requirements are discussed, if there are differing requirements it conflicts with previous statement that they are identical.	Section (b) is for Type O and S, probably need not repeat; Current Type Os have asphalt or concrete, they may not all be adequate for the equipment they utilize	
8-11	22.810(a)	30 days seem to disagree with (b)3 and 22.804(b)(9); fix this to 10 days	correction	
9-2	22.902(a)(5)	typo from past reg - "Transfer Station active areas" - (ii) transfer station do not need a pre-application.	typo	
9-3	22.903	some items from pre-application/application sections should be included, deeds, right to operate, land-use restrictions and zoning		
9-4	22.904(f)	extremely confusing - It is a long run-on sentence with ambiguous meanings	clarification	
9-4	22.904(h)	"Supervision of Facility" - an * by (h) It should be reworded to state like Reg 22.411(b) Operator Licensing Requirements instead of Supervision of Facility.	clarification	
9-5	22.904(n)	"Annual Reporting" - (n) delete "or acceptable"	clarification - update: this form is available and accessible online	
9-6	22.905	regarding design - outdoor TS operations are problematic; regulation should require cover or adequate permitted no-discharge ponds sized for a particular storm event	possibly "grandfather" existing facilities	
9-7	22.905(b)(3)	Another run-on sentence, confusing... Consider dividing.	clarification	
9-8	22.906(d)(1)	clarify that the referenced "operating narrative" is the operating narrative for closure and not the Operating Plan as outlined in 22.904(p). Add "for closure" after "...operating narrative..."	clarification - they are all operating plans under 904(p), this can be clarified if needed	
10-1	22.1002	update (f) for new HHW legislation	statute requires permitting some HHWs as a transfer station	
10-2	22.1002(f)	update language to consider HHW permitted as a transfer station	statute requires permitting some HHWs as a transfer station	
10-2	22.1003-22.1007	for stakeholder discussion: potentially remove CDRF facilities and permit them as transfer stations (WRFs)	there are currently no active permits; these operate the same as a transfer station or WRF with the same elements of mixed waste, waste and material storage, closure costs and financial assurance considerations; they routinely handle class 1 waste mixed with the eligible waste (Class 4); CDRF meets the definition of Type WRF even though it is a limited permissible waste stream, tType WRF triggers CON requirements which are not met by this permit class	ok
10-4	22.1004	Remove space after (iii) last sentence.	typo	
11-5	22.1102(f)	Allow selection of leach tests and indicator parameters to be based on known or expected waste characteristics, conditions in the landfill, or other environmental conditions present or anticipated.		
11-6	22.1103(f)	Adding due date for submittal of well installation reports (90 days after installation).		
11-6	22.1103(g)	Clarify that monitoring wells need to be surveyed by a professional surveyor registered in the State of Arkansas		
11-6	22.1104 (c)	Several sections seem to have information from old Reg 22. Need to revise or remove. (c) refers to yard waste facilities. It is unclear what these are. Need to remove.	correction, composting in Ch 8	

11-6	22.1104 (e)	Clarify that an approved workplan is required prior to site characterization work at Class 4 landfills	clarification - required for other landfill types	
11-6	22.1104(b)	Typo - Add a dash between Requirements and Applicants. Should be "Requirements - Applicants".	typo	
11-6	22.1104(c)	Typo - Change "insitu" to "in situ".	typo	
12-3	22.1203(b)	Typo - "superceded" is spelled incorrectly. It should be "superseded".	typo	
12-6	22.1203(g)(6-7)	These are not part of the listed options, they should be part of the paragraph body text	format	
12-7	22.1203(i)	Typo - There is a space missing. It says, "or decreaseover background".	typo	
12-7	22.1203(i)(2)	Typo - The spelling of the word "compaired" needs to be changed to compared.	typo	
12-7	22.1203(j)	Require that the Ground Water Sampling and Analysis Plan (GWSAP) contain Practical Quantitation Limit (PQL) concentrations for detection monitoring parameters and assessment monitoring parameters if enter assessment monitoring	This currently done by most, but not all landfills.	
12-7	22.1203(j)	Require groundwater monitoring system be included in Ground Water Sampling and Analysis Plan (GWSAP)	This is currently done by all landfills as far as we know.	
12-7	22.1203(j)	Require groundwater monitoring parameters and monitoring frequency be included in Ground Water Sampling and Analysis Plan (GWSAP)	This is currently done by all landfills as far as we know.	
12-7	22.1203(j)(4)	Add sentence that clarifies that ADEQ certified laboratories must be used for groundwater monitoring sample analysis - start with 22.1204(e)(4) wording.	clarification	
12-8	22.1203(k)	Require submittal in Ground Water Monitoring Report (GWMR) of concentrations used as background for statistical analysis	This is currently done by some landfills.	
12-8	22.1203(k)	Require submittal in Ground Water Monitoring Report (GWMR) of the groundwater quality database used by the landfill for statistical analysis. Require a electronic version be submitted upon request.	This currently done by most, but not all landfills.	
12-8	22.1203(k)	Require submittal of discussion in Ground Water Monitoring Report (GWMR) of concentrations exceeding MCL or GWPS in text and table	This currently done by most, but not all landfills.	
12-8	22.1203(k)	Require water level hydrograph for each monitoring well as part of Ground Water Monitoring Report (GWMR). Also show well screen and sand pack.	All landfills collected the gw elevation data, but they do not graph the data.	
12-8	22.1203(k)	Require Ground Water Monitoring Report (GWMR) to contain field data sheet information collected during sampling event.	This is currently done by all landfills as far as we know.	
12-8	22.1203(k)	Re-write from paragraph format to number list format for easier reading	formatting	
12-10	22.1204(d)	Add the constituent bicarbonate/carbonate. Indicator parameter - Landfill gas can increase bicarbonate alkalinity.		
12-10	22.1204 (e)	Possibly delete this section as it is duplicated in section 22.1203 (j) and not cross-referenced anywhere else. However, move 1204(e)(4) to replace the similar 1203(j)(4) which has slightly different wording.	format/clarification	
12-10	22.1204 (c)(3)	typo - There are two periods after 22.1205. Delete one of the periods.	typo	
12-13	22.1205(g)(1)	Add Nature and Extent investigation workplan - Add submittal date for the Nature and Extent investigation workplan 60 days of the statistical finding.		
12-13	22.1205(g)	During Nature and Extent investigation, update the well surveys required in Reg. 22.303(c)(7) and Reg. 22.1102(c)(2) including survey of surrounding residents.		
12-13	22.1205(g)(2)	There appears to be an additional comma after, "program pursuant to Reg.22.1205,,"	typo	
12-14	22.1206(a)	Add submittal date for Assessment of Corrective Measures. "Such an assessment must be completed within a reasonable period of time following a schedule approved by the Department." (Added following a schedule approved by the Department.)		
12-15	22.1207(a)	Two changes: Add submittal date for selection of remedy and add Department approval. "(a) Based on the results of the corrective measures assessment conducted under Reg. 22.1206 and by a Department approved schedule, the owner or operator must select a remedy that, at a minimum, meets the standards listed in paragraph (b) of this section and is approved by the Department." (Added "and by a Department approved schedule") (Also, added "and is approved by the Department.")		
12-19	22.1208(e)(1)	Clarify that wells within the groundwater monitoring system need to comply with the Ground Water Protection Standards GWPS before corrective action is complete (discussed with EPA)	clarification	
13-3	22.1301(j)	"Recording of Land Use Restriction" - need to change all units to each units.		

13-1	22.1301(c)(3)	CMC: change "...waste ever on-site..." to "...waste ever on-site that has to be handled..."	to match federal language	
13-3	22.1301(m)	CMC: delete "Upon written request"	ADEQ does this and plans to continue	
13-5	22.1303(a)	agreement to close dumps and follow through on a schedule is a decision of the Director. It should come with a CAO, EO, NOV or other binding order with public notice. In some cases the Department may require feasibility study to determine size and content of the waste mass and suitability of closure in current location.		
13-6	22.1304	Clarify: "Landfill Post-Closure Clean Up Restrictions"	Oct 9, 1991 (date of final fed reg) was the date for the "...previous operated as a landfill..." . That's the way it went to the Commission for "prioritization" and "authorization". Recommend just putting Oct 9, 1991 into Reg 22.	
14-1	22.1401(c)	(c) #2 change Reg. 22.907 to 22.906	typo	
14-1	22.1401(c)(3)	remove # 3, add SWRF to #2	typo	
14-1	22.1401(c)(3)	Solid Waste Recovery Facilities (SWRF) follow chapter 9, previously there is a recommendation to remove the SWRF and Construction and Demolition Recovery Facilities (CDRF) permit type and permit all Type Transfer Stations (TS)	for stakeholder review	
14-2	22.1403(a)	CMC: Reference to Reg. 22.1302(c) should be Reg. 22.1302(d)		
14-4	22.1405	Financial assurance required by this chapter should (shall) be filed on forms developed and provided by the department.	clarification to shall- facilities follow ADEQ guidance already	
14-7	22.1405(d)(1)	Typo "placea" revise to "place a"	typo	
14-7	22.1405(d)	some mechanisms do not discuss posting corrective action FA, insurance may be one - Note: Insurance is not valid for corrective action because it is not easily liquidated.	for stakeholder discussion	
14-10	22.1405(e)(2)(D)(iv)	end of sentence has two : : Delete one	typo	
14-11	22.1405(f)	"Local Government Financial Test" typo change the (e) to (f)	typo	
14-15	22.1405(g)	typo - replace the beginning quotation mark with the appropriate symbols throughout the paragraph	typo	
14-13	22.1405(f)(3)(i)(C)	Format error paragraph should read , "A report to the local government from the local government's independent certified public accountant (CPA) or the appropriate State agency based on performing an agreed upon procedures engagement relative to the financial ratios required by Reg. 22.1405(f)(1)(i)(B) , if applicable, and the requirements of Reg. 22.1405(f)(1)(ii) and Reg. 22.1405(f)(1)(iii)(C) and (D) of this section. The CPA or State agency's report should state the procedures performed and the CPA or State agency's findings."	format	
14-19	22.1406(a)	"Financial Assurance Requirement" - discussed when a Letter of Credit (LOC), etc. is terminated, how long does a facility have to get more financial assurance (FA) in place. (60 days vs. 120 days?)	to meet federal code	
14-19	22.1406(b)	currently it is required to issue an NOV to acquire the F/A. This process has proven ineffective, this regulation must be re-written.		
15-1	22.1502(c)	"Failure to Comply" - typo need space after "with Reg. 22.201"	typo	
A-1	Appendix 1	Add the constituent naphthalene. Important for facilities accepting any type of diesel waste including petroleum base drilling muds. It can be analyzed using the same lab test as currently run for other VOCs on Appendix 1 so cost to facility would be minimal.		
A-4	Appendix 2	Add the constituent 1,4-dioxane. Added to solvents, but has been found to be much more persistent in the environment than other solvents and human health and environment risk. One Arkansas landfill sampled for and has found at very high concentrations.		
A-5	Appendix 2	Add the constituent Methyl tert-butyl ether (MTBE). MTBE is a gasoline additive.		
A-8	Appendix 3	(22 Appendix 3) Update MCLs listed in Table 1. Update MCLs.		
A-8	Appendix 3	Expand list of parameters		

additional notes:				
initiate rulemaking in March				