

EXHIBIT G

DEPARTMENT OF ENVIRONMENTAL QUALITY, HAZARDOUS WASTE DIVISION

SUBJECT: Regulation No. 23; Solid Waste Management

DESCRIPTION: The Arkansas Department of Environmental Quality proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission to Regulation No. 23 (Hazardous Waste Management) in order to adopt Federal revisions to the hazardous waste management rules and to make technical and language corrections. The Commission's authority for amending Regulation 23 is found in Arkansas Code Annotated § 8-7-209(b)(1).

Proposed changes include:

The federal regulation changes which are proposed to be added to Regulation 23, listed by topic and date of publication in the *Federal Register*, include:

- **Conditional Exclusions for Solvent Contaminated Wipes.** 78 FR 46447, January 31, 2014. This federal rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.
- **Conditional Exclusion for Carbon Dioxide (CO₂) Streams in Geologic Sequestration Activities.** 79 FR 350, March 4, 2014. This federal rule revises the definition of solid waste to conditionally exclude carbon dioxide (CO₂) streams that are hazardous from the definition of hazardous waste, provided these hazardous CO₂ streams are captured from emission sources, are injected into Underground Injection Control (UIC) Class VI wells for purposes of geologic sequestration (GS), and meet certain other conditions.
- **Hazardous Waste Electronic Manifest System; Final Rule.** 79 FR 7517, August 6, 2014. This rule establishes new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, P.L. 112-195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system.
- **Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule.** 79 FR 36220, December 26, 2014. This Federal rule revises certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow the Agency to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials.

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- **Notice to Terminate the National Environmental Performance Track Program.** 74 FR 22741, 8904-8, May 14, 2009. EPA no longer offers the National Environmental Performance Track Program.
- **Miscellaneous Technical Corrections.** The Department is proposing the adoption of specific technical and editorial amendments of APC&EC Regulation No. 23 to the following:
 - **The Introduction, Specific State Requirements for the Hazardous Waste Management Program, and §§ 261.38 and 264.4** are amended to delete all references to Comparable Fuels/Syngas Fuels;
 - **§ 3(b)** is amended to update Federal regulations adopted or incorporated by reference;
 - **§ 6, Fees and Costs, Monitoring/Inspection Fees** is revised to charge a set fee of \$500 to Large Quantity Generators and clarifies the amount charged to Small Quantity Generators;
 - **§ 260.10 Subsection B Definitions** is amended to add the definition of Carbon Dioxide stream, CRT exporter, Electronic manifest (or e-Manifest), Electronic manifest system (or e-Manifest system,), No free liquids, Solvent-contaminated wipe, User of the electronic manifest system, Wipe, and to delete the definition of Performance Track member facility;
 - **§ 261.3 (a)(2)(iv)(A)** adds benzene to the list of solvents;
 - **§261.4 Exclusions (a)(16)** is revised to delete reference to comparable fuels/syngas fuels;
 - **§ 268.40** makes an editorial correction to Table TTS Waste Code K088 to the Non-Wastewaters concentration of Lead from 0.11 mg/L TCLP to 0.75 mg/L TCLP;
 - **§ 270.7(j)** makes an editorial correction to the reference of the Arkansas Department of Environmental Quality; and
 - **Miscellaneous Corrections and language changes** in order to correct inconsistencies such as typographical errors, incorrect citations, failure to adopt previous final rules in their entirety, etc., between Regulation 23 and the Federal regulations.

PUBLIC COMMENT: A public hearing was held on June 29, 2015. The public comment period expired on July 14, 2015. The following public comments were received:

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Dr. Wesley Sites, APC&EC Commissioner, Regulations Committee.

Comment: Error in the page number in the Table of Contents, Section 270, Subsection C-Permit Conditions, Conditions applicable to all permits was incorrect, and chemical formula for Thallium chloride was incorrect.

Response: Errors acknowledged and corrected.

Jessica Franken, Director of Government Affairs, INDA, Association of the Nonwoven Fabrics Industry

Comment: Letter in support of the Department's proposal to adopt the Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes.

Response: No changes were made to the proposed revisions based on this comment.

Jackie King, Executive Director, Secondary Materials and Recycled Textiles Association (SMART)

Comment: Letter in support of the Department's proposal to adopt the Conditional Exclusions from Solid and Hazardous Waste for Solvent-Contaminated Wipes.

Response: No changes were made to the proposed revisions based on this comment.

The effective date of this rule is October 23, 2015.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: There is no financial impact.

LEGAL AUTHORIZATION: Pursuant to Ark. Code Ann. § 8-7-202, the purpose of the Arkansas Hazardous Waste Management Act of 1979 is to establish a program of regulation over, among other things, the disposal of hazardous waste and to adopt, administer, and enforce the hazardous waste program according to federal law. Specifically, the Arkansas Pollution Control and Ecology Commission is authorized by Ark. Code Ann. § 8-7-209(b)(1) to promulgate, modify and repeal rules regarding hazardous waste management. See also 78 FR 46447, 79 FR 350, 79 FR 7517, 79 FR 36220, 74 FR 22741, and 40 CFR Part 271.4.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Hazardous Waste Division
DIVISION DIRECTOR Tammie J. Hynum
CONTACT PERSON Tamara Almand
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72118
PHONE NO. 501.683.0069 FAX NO. 501.682.0565 MAIL almand@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING J. Ryan Benefield, P.E.
PRESENTER E-MAIL benefield@adeq.state.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

- 1. What is the short title of this rule? APC&EC Regulation No. 23
 - 2. What is the subject of the proposed rule? Hazardous Waste Management
 - 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation. 40 C.F.R. Part 271.4
 - 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? N/A
- When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No
If yes, please provide a brief summary explaining the regulation. N/A

Does this repeal an existing rule? Yes No
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule? Yes No
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. § 8-7-209(b)(1)

7. What is the purpose of this proposed rule? Why is it necessary? To adopt newly-revised federal rules published between July 31, 2013, and June 26, 2014; to propose changes to existing Regulations; to correct errors in the Regulation in order to conform with the Federal regulations; to correct inconsistencies in the Regulation pertaining to previously adopted federal rules; and to make stylistic corrections. These revisions are necessary to keep the state hazardous waste Regulations current with the corresponding federal requirements.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). http://www.adeg.state.ar.us/regs/drafts/draft_regs.htm

9. Will a public hearing be held on this proposed rule? Yes No
If yes, please complete the following:

Date: June 29, 2015

Time: 2:00 P.M.

Place: Commission Room, ADEQ
Headquarters, 5301 Northshore Drive,
North Little Rock, AR 72118

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
Ten business days from the date of the public hearing, which will be on or about July 14, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)
October, 2015

12. Do you expect this rule to be controversial? Yes No
If yes, please explain. N/A

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known.

Arkansas Environmental Federation.



FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality
DIVISION Hazardous Waste Division
PERSON COMPLETING THIS STATEMENT Tamara Almand
TELEPHONE NO. 501.683.0069 **FAX NO.** 501.682.0565 **EMAIL:** almand@adeq.state.ar.us

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE APC&EC Regulation No. 23

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
N/A
- (b) The reason for adoption of the more costly rule;
N/A
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	<u>\$ 0.00</u>
Federal Funds	<u>\$ 905,000.00</u>
Cash Funds	<u>\$ 0.00</u>
Special Revenue	<u>\$ 0.00</u>
Other (Identify)	<u>\$ 0.00</u>

Next Fiscal Year

General Revenue	<u>\$ 0.00</u>
Federal Funds	<u>\$ 905,000.00</u>
Cash Funds	<u>\$ 0.00</u>
Special Revenue	<u>\$ 0.00</u>
Other (Identify)	<u>\$ 0.00</u>

Total	<u>\$ 905,000.00</u>	Total	<u>\$ 905,000.00</u>
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(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>\$ 0.00</u>
Federal Funds	<u>\$ 0.00</u>
Cash Funds	<u>\$ 0.00</u>
Special Revenue	<u>\$ 0.00</u>
Other (Identify)	<u>\$0.00</u>
Total	<u>\$ 0.00</u>

Next Fiscal Year

General Revenue	<u>\$ 0.00</u>
Federal Funds	<u>\$ 0.00</u>
Cash Funds	<u>\$ 0.00</u>
Special Revenue	<u>\$ 0.00</u>
Other (Identify)	<u>\$ 0.00</u>
Total	<u>\$ 0.00</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

The regulatory changes in this proposal are equivalent to previous state and federal requirements, so regulated facilities are anticipated to incur no additional costs to doing business or maintaining compliance. These costs will vary widely by the nature of each affected facility, and it would be speculative to estimate these costs over the wide range of businesses and operations subject to the hazardous waste management program.

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

Implementing these proposed revisions will not discernibly increase or decrease ongoing program operational or administrative costs. Additional program elements will be carried out with the current State authorized staff and associated resources, therefore there is no discernible additional increase in program, administrative, or logistic costs to the Department.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

