

DIVISION OF ENERGY AND ENVIRONMENT, ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

SUBJECT: Solid Waste Management Rules, Closure and Post-Closure Care, 8 CAR § 60-1301 et seq.

DESCRIPTION:

PURPOSE AND AUTHORITY

The Department of Energy and Environment, Division of Environmental Quality (“DEQ”), proposes this rulemaking to amend 8 CAR § 60-1304 “Landfill post-closure cleanup restrictions.” This rulemaking is necessary to conform to the requirements set forth in Act 791 of 2025, Section 39. The Arkansas Pollution Control and Ecology Commission (“PC&EC”) has general rulemaking authority through Ark. Code Ann. § 8-1-203(b)(1)(A), and specific authority to promulgate amendments to this rule through Ark. Code Ann. § 8-6-207(b).

BACKGROUND

PC&EC’s “Solid Waste Management Rules,” 8 CAR pt. 60, regulate the collection and disposal of solid waste in the State of Arkansas. Subpart 13 pertains to landfill closure and post-closure care. The rule provides requirements for the appropriate closure of landfills and for the care of these facilities after they have been appropriately closed. The “Landfill post-closure clean-up restrictions,” 8 CAR § 60-1304, provide requirements for the use of the Landfill Post-Closure Trust Fund for corrective actions deemed necessary by the Director of DEQ to abate contamination of the environment from a landfill that was certified as closed by DEQ.

THE PROPOSED RULE AMENDMENTS

The proposed rulemaking to amend 8 CAR pt. 60, “Solid Waste Management Rules,” amends the rule to conform to special language contained in Act 791 of 2025, Section 39. This section of the act provides that any expenditure of “**in excess of \$2,000,000** per site from the Landfill Post-Closure Trust Fund” for a corrective action to remedy environmental impacts “shall be subject to the review and approval by [PC&EC].” Subsection (b) of 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides that any expenditures **in excess of \$50,000** “from the fund for corrective action for remedy to environmental impacts of closed disposal sites. . . will be prioritized and authorized by [PC&EC], by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.” The proposed rule amendment increases the amount of the expenditure threshold from \$50,000 to \$2,000,000 to make the section consistent with the special language in Act 791 of 2025.

NECESSITY OF RULE AMENDMENTS

The amendments to APC&EC Part 8 CAR 60-101, et seq., “Solid Waste Management Rules,” are necessary to make the rule consistent with Act 791 of 2025. The PC&EC approved the Landfill Post-Closure Trust Fund Prioritization List in 2010, therefore, there

is no need for redundant approvals for routine expenditures at prioritized sites. In the future, should DEQ contract for the physical closure of a landfill, or allocate resources for an emergency issue, the PC&EC would then have a chance to provide input as these types of expenditures exceed the \$2,000,000 threshold established by the special language in Act 791 of 2025.

PUBLIC COMMENT: A public hearing was held on this rule on February 25, 2026. The commission received the following public comments:

Kenneth Lovett

COMMENT: I am Kenneth Lovett, from Washington County. On December 29, 2021, I was exposed to hazardous vapors while driving on a public roadway. Now five years later, ADEQ is proposing an amendment to quadruple the approval setting for money spent on post-closure clean up from 50,000 to 200,000 before there is any oversight. ADEQ will not add proper regulations to protect citizens from specific toxins, but they will quadruple excessive spending on post-closure clean up before needing approval. Eco-Vista landfill has been allowed to break the cap on the closed Class 1 landfill that has no liner to incorporate it to the rest of the surrounding piles. When doing so in breaking the cap the air in the community is horrendous. There are no neighbor or community notifications and citizens first clue of a problem is the vapor in their face. If proper notification were given, they could prepare scheduled activities around the timeframe or be away or at least purchase oxygen to breathe during the plume from Eco-Vista breaking the cap. Eco-Vista is an uncontrolled operation and must have oversight. I ask that the spending approval never be allowed to exceed one-hundred thousand dollars without approval from the PC&EC Commission. Allowing two million dollars to be spent on post-closure without oversight is negligence in my opinion and should not be allowed. There have been four air quality tests performed in the area now and ADEQ still cannot pinpoint the emission points, but I can. It is the Waste Management in my opinion. Eco-Vista landfill incinerator, flares, and fugitive vapors from the inappropriate operated landfill. Benzene and acrolein and other chemicals and vapors that have been identified in the testing on the area are not chemicals to be ignored. And should not be included in the total VOC accounting for this process. What I am asking is that you do not exceed one hundred thousand dollars before approval or any kind of oversight, and that these chemicals be added to these regulations so they're not a part of the total VOC's from the entire system. Thank you, Sir."

RESPONSE: DEQ acknowledges the comment and responds as follows: The commenter's request to limit the expenditure threshold from \$50,000 to \$100,000 is inconsistent with Act 791 of 2025, Section 39. The commenter's concerns regarding Post-Closure Trust Fund oversight are not related to this rule amendment as this Post-Closure Trust Fund is governed by 8 CAR pt. 61. The Commission approved the Landfill Post-Closure Trust Fund Prioritization list in 2010, therefore, there is no need for redundant approvals for routine expenditures at prioritized sites. In the future, should DEQ contract post-closure corrective action as a new site, the Commission would then have a chance to provide input as these types of expenditures exceed the \$2,000,000 threshold established by the special language in Act 791 of 2025. The complaints regarding the Eco-Vista landfill are not related to expenditures from the Landfill Post-

Closure Trust Fund or the proposed rule amendment. The commenter’s request to add air Contaminants within the Solid Waste Management Rules is inappropriate, duplicative, and contrary to the rules administered by Arkansas’s delegated air program. The basis for this rule amendment is to make the rule consistent with special language in Act 791 of 2025, Section 39.

The proposed effective date for this rule is pending legislative review and approval.

FINANCIAL IMPACT: The commission indicated this rule has no financial impact.

LEGAL AUTHORIZATION: Arkansas Code § 8-6-602(d) provides that the Division of Environmental Quality and the Arkansas Pollution Control and Ecology Commission “shall promulgate and implement policies, rules, and procedures for administering the terms of” the Solid Waste Management and Recycling Fund Act, Arkansas Code § 8-6-601 et seq. Arkansas Code § 8-6-610 provides that the commission “may adopt reasonable rules necessary to implement” the Solid Waste Management and Recycling Fund Act, including rules for “[c]ollecting fees” and [s]etting priorities for the administration of the Solid Waste Management and Recycling Fund Act.

Arkansas Code § 8-6-207 provides that the Arkansas Pollution and Ecology Commission has the power and duty to “establish policies and standards for effective solid waste disposal and management systems.” The statute also provides that the commission has the power and duty to promulgate rules:

- To implement “the substantive statutes charged to the [Division of Environmental Quality] for administration”;
- “necessary to secure public participation in environmental decision-making processes”;
- “governing administrative procedures for challenging or contesting division actions”; and
- “for the source reduction, minimization, recycling, collection, transportation, processing, storage, and disposal of solid wastes, including, but not limited to, the disposal site location and the construction, operation, and maintenance of the disposal site or disposal process”.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
 BOARD/COMMISSION _____
 BOARD/COMMISSION DIRECTOR _____
 CONTACT PERSON _____
 ADDRESS _____
 PHONE NO. _____ EMAIL _____
 NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
 PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

EXHIBIT C

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.



DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

11. What is the reason for this proposed rule? Why is it necessary?

The proposed rulemaking regarding 8 CAR pt. 60, “Solid Waste Management Rules,” amends the rule to conform to special language in Act 791 of 2025, Section 39. This section of the act provides that any expenditure “in excess of \$2,000,000 per site from the Landfill Post-Closure Trust Fund” for a corrective action to remedy environmental impacts “shall be subject to the review and approval by the Arkansas Pollution Control and Ecology Commission.” Subsection (b) of 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides that any expenditures in excess of \$50,000 “from the fund for corrective action for remedy to environmental impacts of closed disposal sites. . . will be prioritized and authorized by the Arkansas Pollution Control and Ecology Commission . . .” The proposed rule amendment increases the amount of the expenditure threshold from \$50,000 to \$2,000,000 to make the section consistent with special language in Act 791 of 2025.

The PC&EC approved the Landfill Post-Closure Trust Fund Prioritization list in 2010, therefore, there is no need for redundant approvals for routine expenditures at prioritized sites. In the future, should DEQ contract for the physical closure of a landfill, or allocate resources for an emergency issue, the PC&EC would then have a chance to provide input as these types of expenditures exceed the \$2,000,000 threshold established by the special language in Act 791 of 2025.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

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 no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency’s statutory authority, and if so, how.

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 _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

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

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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

\$ _____

Next Fiscal Year

\$ _____

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.



DIVISION OF ENVIRONMENTAL QUALITY

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GOVERNOR

Shane E. Khoury
SECRETARY

PROPOSED AMENDMENT TO APC&EC PART 8 CAR § 60-101, et seq.: “SOLID WASTE MANAGEMENT RULES”

July 2025

PURPOSE AND AUTHORITY

The Department of Energy and Environment and the Division of Environmental Quality (“DEQ”) propose this rulemaking regarding Part 8 CAR § 60-101, et seq.: “Solid Waste Management Rules.” This rulemaking is necessary to amend the current rule to apply new requirements set forth in Act 791 of 2025, Section 39. The Arkansas Pollution Control and Ecology Commission (“APC&EC” or “Commission”) has general rulemaking authority through Ark. Code Ann. § 8-1-203(b)(1)(A), and specific authority to promulgate amendments to this rule through Ark. Code Ann. § 8-6-207(b).

BACKGROUND

Part 8 CAR § 60-101, et seq., “Solid Waste Management Rules,” regulates the collection and disposal of solid waste in the State of Arkansas. Subpart 13 pertains to landfill closure and post-closure care. The rules provide requirements for the appropriate closure of landfills and for the care of these facilities after they have been appropriately closed. 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides requirements for the use of the Landfill Post-Closure Trust Fund for corrective actions deemed necessary by the Director of Environmental Quality to abate contamination of the environment from a landfill that was certified as closed by the Division of Environmental Quality.

THE PROPOSED RULE AMENDMENTS

The proposed rulemaking regarding Part 8 CAR 60-101, et seq., “Solid Waste Management Rules,” amends the rule to conform to new requirements which were established in Act 791 of 2025, Section 39. This section of the act provides that any expenditure of **“in excess of \$2,000,000 per site from the Landfill Post-Closure Trust Fund”** for a corrective action to remedy environmental impacts “shall be subject to the review and approval by the Arkansas Pollution Control and Ecology Commission.” Subsection (b) of 8 CAR § 60-1304, “Landfill post-closure clean-up restrictions,” provides that any expenditures **in excess of \$50,000** “from the fund for corrective action for remedy to environmental impacts of closed disposal sites. . . will be prioritized and authorized by the Arkansas Pollution Control and Ecology Commission, by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.” The proposed rule amendment increases the amount of the expenditure threshold from \$50,000 to \$2,000,000 to make the section consistent with Act 791 of 2025.

NECESSITY OF RULE AMENDMENTS

The amendments to APC&EC Part 8 CAR 60-101, et seq., “Solid Waste Management Rules,” are necessary to make the rule consistent with Act 791 of 2025.



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Notice of Proposed Rule Changes, Public Hearing, and Comment Period

The Arkansas Department of Energy and Environment (E&E), Division of Environmental Quality (DEQ), has proposed amendments to Arkansas Pollution Control and Ecology Commission (PC&EC) 8 CAR pt. 60, “Solid Waste Management Rules” pursuant to Arkansas Code Annotated § 8-1-203(b)(1)(A) and Arkansas Code Annotated § 8-6-207(b). Oral and written comments by stakeholders and the public will be received and made a part of the record during the public comment period.

Pursuant to PC&EC 8 CAR pt. 11, DEQ by this notice solicits comments of any interested party to the proposed rule amendments by submitting comments in writing on or before the end of the public comment period, which is March 11, 2026. All comments should be sent to Peter Alberg at the address below.

Full and complete copies of the proposed changes to 8 CAR pt. 60 are available for inspection and review after making an appointment during regular business hours at E&E headquarters, located at 5301 Northshore Drive, North Little Rock, AR 72118. The proposed rule changes are also available at DEQ information depositories located in public libraries in the cities of Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas in Conway.

A public hearing will be held Feb. 25, 2026, at 2 p.m., Central Standard Time (CST), to accept comments on the proposed amendments to 8 CAR pt. 60, “Solid Waste Management Rules.” The hearing will be held in the commission room at E&E headquarters building at 5301 Northshore Drive, North Little Rock, AR 72118. The public hearing may be viewed via live broadcast on the E&E YouTube channel at <https://www.youtube.com/@arkansasdepartmentofenergy6731>. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details

of the new hearing date.

Oral and written comments regarding the rule amendments will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. (CST), March 11, 2026. Written comments should be delivered or mailed to: Peter Alberg, Legal Division, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118. Submit email comments on the proposed rule amendments to: ee.comment@arkansas.gov.

The proposed amendment to 8 CAR pt. 60, "Solid Waste Management Rules," amends the rule to conform to new requirements which were established in Act 791 of 2025, Section 39. This section of the act provides that any expenditure of "**in excess of \$2,000,000** per site from the Landfill Post-Closure Trust Fund" for a corrective action to remedy environmental impacts "shall be subject to the review and approval by the Arkansas Pollution Control and Ecology Commission." Subsection (b) of 8 CAR § 60-1304, "Landfill post-closure clean-up restrictions," provides that any expenditures **in excess of \$50,000** "from the fund for corrective action for remedy to environmental impacts of closed disposal sites . . . will be prioritized and authorized by the Arkansas Pollution Control and Ecology Commission, by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly." The proposed rule amendment increases the amount of the expenditure threshold from \$50,000 to \$2,000,000 to make the section consistent with Act 791 of 2025.

A complete listing of the proposed changes to 8 CAR pt. 60 can be found on the Draft Rules page of the DEQ's website: https://www.adeq.state.ar.us/regs/draft_regs.aspx under PC&EC Docket No. 25-001-R.

The deadline for submitting written comments on the proposed rule revisions is 4:30 p.m. (CST), March 11, 2026.

Published Jan. 31 and Feb. 1, 2026.

Bailey Taylor

Chief Administrator of Environment and DEQ Director

Arkansas Department of Energy and Environment

Proposed Rulemaking

Title

Promulgated by:
Arkansas Pollution Control and Ecology Commission

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter E. Land Resources — Solid Waste

Part 60. Solid Waste Management Rules

Subpart 13. Closure and Post-Closure Care

8 CAR § 60-1301. Closure criteria.

(a) Landfill cover design.

(1) This section applies to all Class 1 landfills that accepted wastes after October 9, 1991, and to all other Class 1, Class 3, and Class 4 landfill units in operation after May 7, 1995.

(2) Owners or operators of all landfill units must install a final cover system that is designed to minimize infiltration and erosion.

(3) The final cover system must be comprised of an erosion layer underlain by an infiltration layer as follows:

(A)(i) The infiltration layer must be comprised of a minimum of eighteen inches (18") of earthen material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less.

(ii) To meet this requirement, a flexible membrane liner shall be incorporated into the final cover design where the bottom liner design includes a

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composite liner; and

(B)(i) The erosion layer must consist of a minimum six inches (6") of earthen material that is capable of sustaining native plant growth.

(ii) The final cover system requirements specified above are in addition to any daily or intermediate cover required by this part, or any drainage or gas collection layers necessary for proper performance of the cover system.

(b) **Alternative final cover design.** The Director of the Division of Environmental Quality may approve an alternative final cover design that includes:

(1) An infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in subdivision (a)(3)(A) of this section; and

(2) An erosion layer that provides equivalent protection from wind and water erosion as the erosion layer specified in subdivision (a)(3)(B) of this section.

(c) **Closure plans.**

(1) The owner or operator must prepare a written closure plan that describes the steps necessary to close all landfill units at any point during its active life in accordance with the cover design requirements in subsection (a) or (b) of this section, as applicable.

(2) The closure plan, at a minimum, must include the following information:

(A) A description of the final cover, designed in accordance with subsection (a) or (b) of this section and the methods and procedures to be used to install the cover;

(B) An estimate of the largest area of the unit ever requiring a final cover at any time during the active life;

(C) An estimate of the maximum inventory of wastes ever on site over the active life of the landfill facility; and

(D) A schedule for completing all activities necessary to satisfy the closure criteria in this section.

(d) **Closure plan approval.** The owner or operator of all Class 1, Class 3, and Class 4 landfills shall:

(1) Prepare a closure plan meeting the requirements of this subpart;

(2) Place the closure plan in the operating record; and
(3) Submit the closure plan to the Division of Environmental Quality for approval with the application for a new landfill permit or no later than:
(A) The compliance date specified in 8 CAR § 60-104(d) for all Class 1 landfills; or

(B) May 7, 1995, for all Class 3 and Class 4 landfills.

(e) **Notification of closed landfill or completed unit.** The landfill owner or operator shall notify the division when the landfill or a landfill unit stops receiving wastes for disposal and place the notice in the operating record.

(f) **Timely initiation of closure required.** The owner or operator must begin closure activities of each landfill unit no later than thirty (30) days after:

(1) The date on which the unit receives the known final receipt of wastes;

(2) When the unit has reached its final permitted elevations; or

(3)(A) If the unit has remaining capacity and there is a reasonable likelihood that the unit will receive additional wastes, no later than one (1) year after the most recent receipt of wastes.

(B) Extensions beyond the one-year deadline for beginning closure may be granted by the director if the owner or operator demonstrates that the unit has the capacity to receive additional wastes and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed unit.

(g) **Timely completion of closure required.**

(1) The owner or operator of all landfill units must complete closure activities of each unit in accordance with the approved closure plan within one hundred eighty (180) days following the beginning of closure as specified in subsection (f) of this section.

(2) Extensions of the closure period may be granted by the director if the owner or operator demonstrates that closure will, of necessity, take longer than one hundred eighty (180) days and he or she has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed unit.

(h) Proper grading required.

(1) The entire site shall be graded prior to installation of the cover system so that storm water does not run onto the landfill and so that there are no depressions in the landfill where water can pond.

(2) Erosion control measures shall be implemented as necessary to protect the final cover and prevent off-site sedimentation.

(i) Site survey.

(1) Upon completion of the final cover, the site shall be surveyed by a professional land surveyor or professional engineer registered in the State of Arkansas to document the:

- (A) Final elevations of the landfill;
- (B) Location of all surface improvements such as monitoring points;
- (C) Site boundaries; and
- (D) Areas that received wastes.

(2) Other permanent features such as benchmarks, access roads, buildings, gas monitoring, collection and processing systems, leachate collection, removal and storage systems, and any run-on and run-off control systems should also be shown on the final survey.

(j) Recording of land use restriction.

(1) Following closure of all units, the owner or operator shall record a notation on the deed to the landfill facility property, or some other instrument that is normally examined during the title search.

(2) A copy of the file marked "deed notation" shall be furnished to the division and a copy shall be placed in the operating record.

(3)(A) The notation on the deed must in perpetuity notify any potential purchaser of the property:

(i) Of the past use of the land as a landfill facility;

(ii) That future land uses shall comply with Arkansas Pollution Control and Ecology Commission rules and shall not disturb the integrity of the final cover system, the liner system, or any other components of the containment or monitoring

system;

(iii) That in accordance with Arkansas Code § 8-6-1404, it shall be unlawful for any person, partnership, company, corporation, or other entity to build, erect, or construct any house, home, or building to be used for a residential purpose;

(iv) That the land has been used for the disposal of asbestos containing waste material; and

(v) That the survey plot and record of the location and quantity of asbestos containing waste disposed of within the disposal site required in Asbestos Abatement Rule, 20 CAR pt. 860, have been filed with the division.

(B) The owner or operator may request permission from the director to remove the notation from the deed if all wastes are removed from the facility.

(k) Land use restriction applicability.

(1) Restrictions on land uses shall apply only to the area or areas used for the actual disposal of solid waste.

(2) The residential land use restriction shall not apply to residential structures that were in existence and in use as of August 13, 1993, or to landfills that stopped accepting waste for disposal prior to August 13, 1968.

(l) Certification of closure.

(1) Following closure of each unit, the owner or operator must furnish the director a certification, signed by a professional engineer registered in the State of Arkansas, verifying that:

(A) Closure has been completed in accordance with the closure plan; and

(B) That this certification has been placed in the operating record.

(2) A final closure report shall accompany the certification that includes:

(A) The final survey in accordance with subsection (i) of this section;

(B) Quality control and quality assurance data documenting proper construction and installation of the cover system;

(C) A copy of the deed notation required under subsection (j) of this section; and

(D) Other information that the division may deem necessary to making

the certification described in subsection (h) of this section.

(m) **Division certification of closure.**

(1) Closure must be timely and approved in writing by the division if the facility is to be eligible for inclusion under the Landfill Post-Closure Trust Fund.

(2) Upon written request, the division will inspect the site for conformance to closure requirements.

(3) Division written certification of closure begins the post-closure period.

8 CAR § 60-1302. Post-closure care requirements.

(a) **Applicability.** The standards of this section shall apply as follows:

(1) Class 1 landfill units that accepted waste for disposal after the compliance dates specified in 8 CAR § 60-104(d) shall meet all of the requirements of this section;

(2) Class 1 landfills that stopped accepting waste for disposal prior to the compliance dates specified in 8 CAR § 60-104(d) and completed installation of the cover system prior to October 9, 1994, shall meet the requirements of subsections (b) and (c) of this section, subdivision (d)(3) of this section, and subsection (f) of this section; and

(3) Class 3 and Class 4 landfills that stop accepting waste after May 7, 1995, shall meet all of the requirements of this section.

(b) **Post-closure care requirements.**

(1) Following closure of each landfill unit, the owner or operator must conduct post-closure care.

(2) Post-closure care shall be conducted for the time periods specified in subsection (c) of this section, and shall consist of at least the following:

(A)(i) Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, leachate seepage, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover and maintaining cover vegetation.

(ii) Vegetation shall be periodically mowed to control the growth of undesirable vegetation that may interfere with the integrity of the landfill cover or

establishment of a perennial vegetative cover and to facilitate inspection of the landfill cover.

(iii) All cracked, eroded, and uneven areas must be filled and reseeded and ditches maintained;

(B)(i) Maintaining and operating the leachate collection system in accordance with the requirements in 8 CAR § 60-429.

(ii) The Director of the Division of Environmental Quality may allow the owner or operator to stop managing leachate if the owner or operator demonstrates that leachate no longer poses a threat to human health and the environment;

(C) Monitoring the ground water in accordance with the requirements of Subpart 12 of this part and maintaining the ground water monitoring system, if applicable;

(D) Maintaining and operating the gas monitoring system in accordance with the requirements of 8 CAR § 60-415;

(E) Maintaining and operating the gas collection and processing system if applicable; and

(F) Maintaining and operating the surface water control systems in accordance with 8 CAR §§ 60-419 and 60-427, or until such time as permanent erosion control measures have been established at the site.

(c)(1) **Post-closure care period.** Except as provided in subdivision (c)(2) of this section, post-closure care shall be conducted for:

(A) Thirty (30) years for Class 1 landfill units that accepted waste for disposal after the compliance dates specified in 8 CAR § 60-104(d);

(B) Two (2) years for Class 1 landfills that stopped accepting waste for disposal prior to the compliance dates specified in 8 CAR § 60-104(d) and completed installation of the cover system prior to October 9, 1994; and

(C) Two (2) years for Class 3 and Class 4 landfills.

(2) The length of the post-closure care period may be:

(A) Decreased by the director if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and this

demonstration is approved by the director; or

(B) Increased by the director if the director determines that the lengthened period is necessary to protect human health and the environment.

(d) **Post-closure care plan.** The owner or operator of all landfills must prepare a written post-closure plan that includes, at a minimum, the following information:

(1) A description of the monitoring and maintenance activities required in subsection (b) of this section for each landfill unit, and the frequency at which these activities will be performed;

(2) Name, address, and telephone number of the person or office to contact about the facility during the post-closure period; and

(3) A description of the planned uses of the property during the post-closure period.

(e) **Post-closure care plan approval.** The owner or operator of all Class 1, Class 3, and Class 4 landfills shall:

(1) Prepare a post-closure care plan that meets the requirements of this section;

(2) Place the post-closure care plan in the operating record; and

(3) Submit the post-closure care plan to the Division of Environmental Quality for approval with the application for a new landfill permit, but no later than:

(A) For Class 1 landfills, the compliance dates specified in 8 CAR § 60-104(d) or by the initial receipt of waste, whichever is later; or

(B) For Class 3 and Class 4 landfills, prior to the completion of closure activities described in this subpart.

(f) **Certification of post-closure completion.** Following completion of the post-closure care period for each landfill unit, the owner or operator shall provide a written certification to the director, signed by an independent registered professional engineer, verifying that post-closure care has been completed in accordance with the post-closure care plan and shall place the certification in the operating record.

(g) **Phasing of closure and post-closure care.**

(1) Landfill sites that consist of multiple landfill units may, with division

approval, begin the post-closure care period on completed landfill units while other landfill units at the site remain active.

(2) To qualify for phasing, landfill units must be discrete areas of land that do not share common liner or cover systems.

(3) At sites where active disposal operations continue, landfill units certified by the division as in the post-closure care period shall not be eligible for inclusion in the Landfill Post-Closure Trust Fund until such time as all active contiguous landfill units are closed and certified by the division.

(h) Post-closure land uses.

(1) Post-closure use of the property shall not disturb the integrity of the final cover, liner or liners, or any other components of the containment system, or the function of the collection, control, processing, and monitoring systems unless necessary to comply with the requirements in this part.

(2) The director may approve any other disturbance if the owner or operator demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

8 CAR § 60-1303. Closure of open dumps and unpermitted facilities.

(a) **Applicability.** The closure of open dumps shall meet the same criteria specified in 8 CAR § 60-1301 unless otherwise specified by the Division of Environmental Quality.

(b) **Deed notation.** After division approval of closure of an open dump, the owner or operator shall cause to be recorded at the county courthouse a property use description stating that the property was used as a dump site.

8 CAR § 60-1304. Landfill post-closure cleanup restrictions.

(a) The Landfill Post-Closure Trust Fund ~~may~~shall be used for landfill post-closure corrective action in accordance with Arkansas Code § 8-6-1001 et seq., for corrective actions deemed necessary by the Director of the Division of Environmental Quality to

prevent or abate contamination of the environment from ~~a formerly permitted~~any landfill which has been certified as properly closed by the Division of Environmental Quality.

(b) Any expenditures in excess of ~~fifty thousand dollars (\$50,000)~~two million dollars (\$2,000,000) per site from the fund for corrective action for remedy to environmental impacts of closed disposal sites previously operated as a landfill pursuant to state law, will be prioritized and authorized by the Arkansas Pollution Control and Ecology Commission, by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.

Proposed Rulemaking

Title

Promulgated by:
Arkansas Pollution Control and Ecology Commission

Title 8. Environmental Law

Chapter I. Arkansas Pollution Control and Ecology Commission, Department of Energy and Environment

Subchapter E. Land Resources — Solid Waste

Part 60. Solid Waste Management Rules

Subpart 13. Closure and Post-Closure Care

8 CAR § 60-1301. Closure criteria.

(a) Landfill cover design.

(1) This section applies to all Class 1 landfills that accepted wastes after October 9, 1991, and to all other Class 1, Class 3, and Class 4 landfill units in operation after May 7, 1995.

(2) Owners or operators of all landfill units must install a final cover system that is designed to minimize infiltration and erosion.

(3) The final cover system must be comprised of an erosion layer underlain by an infiltration layer as follows:

(A)(i) The infiltration layer must be comprised of a minimum of eighteen inches (18") of earthen material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present, or a permeability no greater than 1×10^{-5} cm/sec, whichever is less.

(ii) To meet this requirement, a flexible membrane liner shall be incorporated into the final cover design where the bottom liner design includes a

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composite liner; and

(B)(i) The erosion layer must consist of a minimum six inches (6") of earthen material that is capable of sustaining native plant growth.

(ii) The final cover system requirements specified above are in addition to any daily or intermediate cover required by this part, or any drainage or gas collection layers necessary for proper performance of the cover system.

(b) **Alternative final cover design.** The Director of the Division of Environmental Quality may approve an alternative final cover design that includes:

(1) An infiltration layer that achieves an equivalent reduction in infiltration as the infiltration layer specified in subdivision (a)(3)(A) of this section; and

(2) An erosion layer that provides equivalent protection from wind and water erosion as the erosion layer specified in subdivision (a)(3)(B) of this section.

(c) **Closure plans.**

(1) The owner or operator must prepare a written closure plan that describes the steps necessary to close all landfill units at any point during its active life in accordance with the cover design requirements in subsection (a) or (b) of this section, as applicable.

(2) The closure plan, at a minimum, must include the following information:

(A) A description of the final cover, designed in accordance with subsection (a) or (b) of this section and the methods and procedures to be used to install the cover;

(B) An estimate of the largest area of the unit ever requiring a final cover at any time during the active life;

(C) An estimate of the maximum inventory of wastes ever on site over the active life of the landfill facility; and

(D) A schedule for completing all activities necessary to satisfy the closure criteria in this section.

(d) **Closure plan approval.** The owner or operator of all Class 1, Class 3, and Class 4 landfills shall:

(1) Prepare a closure plan meeting the requirements of this subpart;

- (2) Place the closure plan in the operating record; and
- (3) Submit the closure plan to the Division of Environmental Quality for approval with the application for a new landfill permit or no later than:
 - (A) The compliance date specified in 8 CAR § 60-104(d) for all Class 1 landfills; or
 - (B) May 7, 1995, for all Class 3 and Class 4 landfills.

(e) **Notification of closed landfill or completed unit.** The landfill owner or operator shall notify the division when the landfill or a landfill unit stops receiving wastes for disposal and place the notice in the operating record.

(f) **Timely initiation of closure required.** The owner or operator must begin closure activities of each landfill unit no later than thirty (30) days after:

- (1) The date on which the unit receives the known final receipt of wastes;
- (2) When the unit has reached its final permitted elevations; or
- (3)(A) If the unit has remaining capacity and there is a reasonable likelihood that the unit will receive additional wastes, no later than one (1) year after the most recent receipt of wastes.

(B) Extensions beyond the one-year deadline for beginning closure may be granted by the director if the owner or operator demonstrates that the unit has the capacity to receive additional wastes and the owner or operator has taken and will continue to take all steps necessary to prevent threats to human health and the environment from the unclosed unit.

(g) **Timely completion of closure required.**

(1) The owner or operator of all landfill units must complete closure activities of each unit in accordance with the approved closure plan within one hundred eighty (180) days following the beginning of closure as specified in subsection (f) of this section.

(2) Extensions of the closure period may be granted by the director if the owner or operator demonstrates that closure will, of necessity, take longer than one hundred eighty (180) days and he or she has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed unit.

(h) Proper grading required.

(1) The entire site shall be graded prior to installation of the cover system so that storm water does not run onto the landfill and so that there are no depressions in the landfill where water can pond.

(2) Erosion control measures shall be implemented as necessary to protect the final cover and prevent off-site sedimentation.

(i) Site survey.

(1) Upon completion of the final cover, the site shall be surveyed by a professional land surveyor or professional engineer registered in the State of Arkansas to document the:

- (A) Final elevations of the landfill;
- (B) Location of all surface improvements such as monitoring points;
- (C) Site boundaries; and
- (D) Areas that received wastes.

(2) Other permanent features such as benchmarks, access roads, buildings, gas monitoring, collection and processing systems, leachate collection, removal and storage systems, and any run-on and run-off control systems should also be shown on the final survey.

(j) Recording of land use restriction.

(1) Following closure of all units, the owner or operator shall record a notation on the deed to the landfill facility property, or some other instrument that is normally examined during the title search.

(2) A copy of the file marked "deed notation" shall be furnished to the division and a copy shall be placed in the operating record.

(3)(A) The notation on the deed must in perpetuity notify any potential purchaser of the property:

(i) Of the past use of the land as a landfill facility;

(ii) That future land uses shall comply with Arkansas Pollution Control and Ecology Commission rules and shall not disturb the integrity of the final cover system, the liner system, or any other components of the containment or monitoring

system;

(iii) That in accordance with Arkansas Code § 8-6-1404, it shall be unlawful for any person, partnership, company, corporation, or other entity to build, erect, or construct any house, home, or building to be used for a residential purpose;

(iv) That the land has been used for the disposal of asbestos containing waste material; and

(v) That the survey plot and record of the location and quantity of asbestos containing waste disposed of within the disposal site required in Asbestos Abatement Rule, 20 CAR pt. 860, have been filed with the division.

(B) The owner or operator may request permission from the director to remove the notation from the deed if all wastes are removed from the facility.

(k) Land use restriction applicability.

(1) Restrictions on land uses shall apply only to the area or areas used for the actual disposal of solid waste.

(2) The residential land use restriction shall not apply to residential structures that were in existence and in use as of August 13, 1993, or to landfills that stopped accepting waste for disposal prior to August 13, 1968.

(l) Certification of closure.

(1) Following closure of each unit, the owner or operator must furnish the director a certification, signed by a professional engineer registered in the State of Arkansas, verifying that:

(A) Closure has been completed in accordance with the closure plan; and

(B) That this certification has been placed in the operating record.

(2) A final closure report shall accompany the certification that includes:

(A) The final survey in accordance with subsection (i) of this section;

(B) Quality control and quality assurance data documenting proper construction and installation of the cover system;

(C) A copy of the deed notation required under subsection (j) of this section; and

(D) Other information that the division may deem necessary to making

the certification described in subsection (h) of this section.

(m) **Division certification of closure.**

(1) Closure must be timely and approved in writing by the division if the facility is to be eligible for inclusion under the Landfill Post-Closure Trust Fund.

(2) Upon written request, the division will inspect the site for conformance to closure requirements.

(3) Division written certification of closure begins the post-closure period.

8 CAR § 60-1302. Post-closure care requirements.

(a) **Applicability.** The standards of this section shall apply as follows:

(1) Class 1 landfill units that accepted waste for disposal after the compliance dates specified in 8 CAR § 60-104(d) shall meet all of the requirements of this section;

(2) Class 1 landfills that stopped accepting waste for disposal prior to the compliance dates specified in 8 CAR § 60-104(d) and completed installation of the cover system prior to October 9, 1994, shall meet the requirements of subsections (b) and (c) of this section, subdivision (d)(3) of this section, and subsection (f) of this section; and

(3) Class 3 and Class 4 landfills that stop accepting waste after May 7, 1995, shall meet all of the requirements of this section.

(b) **Post-closure care requirements.**

(1) Following closure of each landfill unit, the owner or operator must conduct post-closure care.

(2) Post-closure care shall be conducted for the time periods specified in subsection (c) of this section, and shall consist of at least the following:

(A)(i) Maintaining the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion, leachate seepage, or other events, and preventing run-on and run-off from eroding or otherwise damaging the final cover and maintaining cover vegetation.

(ii) Vegetation shall be periodically mowed to control the growth of undesirable vegetation that may interfere with the integrity of the landfill cover or

establishment of a perennial vegetative cover and to facilitate inspection of the landfill cover.

(iii) All cracked, eroded, and uneven areas must be filled and reseeded and ditches maintained;

(B)(i) Maintaining and operating the leachate collection system in accordance with the requirements in 8 CAR § 60-429.

(ii) The Director of the Division of Environmental Quality may allow the owner or operator to stop managing leachate if the owner or operator demonstrates that leachate no longer poses a threat to human health and the environment;

(C) Monitoring the ground water in accordance with the requirements of Subpart 12 of this part and maintaining the ground water monitoring system, if applicable;

(D) Maintaining and operating the gas monitoring system in accordance with the requirements of 8 CAR § 60-415;

(E) Maintaining and operating the gas collection and processing system if applicable; and

(F) Maintaining and operating the surface water control systems in accordance with 8 CAR §§ 60-419 and 60-427, or until such time as permanent erosion control measures have been established at the site.

(c)(1) **Post-closure care period.** Except as provided in subdivision (c)(2) of this section, post-closure care shall be conducted for:

(A) Thirty (30) years for Class 1 landfill units that accepted waste for disposal after the compliance dates specified in 8 CAR § 60-104(d);

(B) Two (2) years for Class 1 landfills that stopped accepting waste for disposal prior to the compliance dates specified in 8 CAR § 60-104(d) and completed installation of the cover system prior to October 9, 1994; and

(C) Two (2) years for Class 3 and Class 4 landfills.

(2) The length of the post-closure care period may be:

(A) Decreased by the director if the owner or operator demonstrates that the reduced period is sufficient to protect human health and the environment and this

demonstration is approved by the director; or

(B) Increased by the director if the director determines that the lengthened period is necessary to protect human health and the environment.

(d) **Post-closure care plan.** The owner or operator of all landfills must prepare a written post-closure plan that includes, at a minimum, the following information:

(1) A description of the monitoring and maintenance activities required in subsection (b) of this section for each landfill unit, and the frequency at which these activities will be performed;

(2) Name, address, and telephone number of the person or office to contact about the facility during the post-closure period; and

(3) A description of the planned uses of the property during the post-closure period.

(e) **Post-closure care plan approval.** The owner or operator of all Class 1, Class 3, and Class 4 landfills shall:

(1) Prepare a post-closure care plan that meets the requirements of this section;

(2) Place the post-closure care plan in the operating record; and

(3) Submit the post-closure care plan to the Division of Environmental Quality for approval with the application for a new landfill permit, but no later than:

(A) For Class 1 landfills, the compliance dates specified in 8 CAR § 60-104(d) or by the initial receipt of waste, whichever is later; or

(B) For Class 3 and Class 4 landfills, prior to the completion of closure activities described in this subpart.

(f) **Certification of post-closure completion.** Following completion of the post-closure care period for each landfill unit, the owner or operator shall provide a written certification to the director, signed by an independent registered professional engineer, verifying that post-closure care has been completed in accordance with the post-closure care plan and shall place the certification in the operating record.

(g) **Phasing of closure and post-closure care.**

(1) Landfill sites that consist of multiple landfill units may, with division

approval, begin the post-closure care period on completed landfill units while other landfill units at the site remain active.

(2) To qualify for phasing, landfill units must be discrete areas of land that do not share common liner or cover systems.

(3) At sites where active disposal operations continue, landfill units certified by the division as in the post-closure care period shall not be eligible for inclusion in the Landfill Post-Closure Trust Fund until such time as all active contiguous landfill units are closed and certified by the division.

(h) **Post-closure land uses.**

(1) Post-closure use of the property shall not disturb the integrity of the final cover, liner or liners, or any other components of the containment system, or the function of the collection, control, processing, and monitoring systems unless necessary to comply with the requirements in this part.

(2) The director may approve any other disturbance if the owner or operator demonstrates that disturbance of the final cover, liner, or other component of the containment system, including any removal of waste, will not increase the potential threat to human health or the environment.

8 CAR § 60-1303. Closure of open dumps and unpermitted facilities.

(a) **Applicability.** The closure of open dumps shall meet the same criteria specified in 8 CAR § 60-1301 unless otherwise specified by the Division of Environmental Quality.

(b) **Deed notation.** After division approval of closure of an open dump, the owner or operator shall cause to be recorded at the county courthouse a property use description stating that the property was used as a dump site.

8 CAR § 60-1304. Landfill post-closure cleanup restrictions.

(a) The Landfill Post-Closure Trust Fund shall be used for landfill post-closure corrective action in accordance with Arkansas Code § 8-6-1001 et seq., for corrective actions deemed necessary by the Director of the Division of Environmental Quality to

prevent or abate contamination of the environment from any landfill which has been certified as properly closed by the Division of Environmental Quality.

(b) Any expenditures in excess of two million dollars (\$2,000,000) per site from the fund for corrective action for remedy to environmental impacts of closed disposal sites previously operated as a landfill pursuant to state law, will be prioritized and authorized by the Arkansas Pollution Control and Ecology Commission, by adoption of a minute order, after addressing corrective actions needed to address environmental impacts from permitted landfills closed properly.