### EXHIBIT E

#### **DEPARTMENT OF ENVIRONMENTAL QUALITY**

**SUBJECT:** Regulation No. 23; 2009 Hazardous Waste Management Annual Update

**DESCRIPTION:** The Pollution Control and Ecology Commission is proposing to amend its Regulation No. 23, Hazardous Waste Management, to adopt federal revisions to the hazardous waste management rules, and make administrative changes to the state-only provisions of the rule. Federal regulation changes to be added to Regulation 23, listed by topic and date of publication in the *Federal Register*, include:

- Regulation of Oil-Bearing Hazardous Secondary Materials from the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas; January 2, 2008.
- National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendment; April 8, 2008.
- Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019; June 4, 2008.
- Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities; December 8, 2008.
- Federal revisions to 40 CFR Part 261, which include changes published in the following Federal Register notices:
- Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions"); October 4, 2005.
- Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Final Rule; June 20, 2006.
- Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations; July 14, 2006.
- Hazardous Waste Management System; Modifications of the Hazardous Waste Program; Cathode Ray Tubes; July 28, 2006.

In addition to incorporation of changes to conform to federal regulator provisions, the following ADEQ-initiated revisions to Regulation 23 are proposed:

- Amending Section 3(b) to show June 30, 2009, as the current ending date for adoption by reference of federal hazardous waste regulations as part of Regulation 23.
- Removing and reserving for future use of Section 6(v) to reflect the discontinuance of a fee for a state-specific hazardous waste manifest.
- Revision of Sections 260.20(d), (e), (f)(2), and 270.7(e)(2)(ii) to update references to portions of APC&EC Regulation 8 (Administrative Procedures) which have been revised.
- Removing and reserving for future use, Chapter 4, since its language has been moved to APC&EC Regulation 30 (Remedial Action Trust Fund Hazardous

Substances Priority Site List); Section 25 of Chapter 4 is being moved to a new paragraph, designated as Section 6(aa).

<u>PUBLIC COMMENT</u>: A public hearing was held October 29, 2009. The public comment period expired November 12, 2009. No public comments were submitted to ADEQ regarding the proposed rule. The proposed effective date is February 2010.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** Implementing the proposed revisions will not discernibly increase or decrease program operational or administrative costs.

#### **Economic Impact Statement**

- 1. Explain the need for the proposed changes. Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints. ADEQ has been delegated responsibility for implementing both federal and state provisions for the RCRA hazardous waste management program in Arkansas. This delegation is contingent upon the state maintaining a regulatory program that is consistent with and no less stringent than the corresponding federal requirements. Annually, ADEQ initiates rulemaking procedures via the Arkansas Pollution Control and Ecology Commission to incorporate and adopt recent changes to the federal regulations to maintain equivalence and consistency between the state and federal hazardous waste management regulations. This proposal seeks to incorporate relevant changes to federal regulations published since December 2007. Complaints played no role in the development of these draft revisions.
- 2. What are the top three benefits of the proposed rule? 1) Maintains equivalence between state and new federal hazardous waste management regulations; 2) Provides a lower-cost alternative means for the reclamation and recycling of cathode ray tubes; and 3) clarifies outdated language and corrects errors found in the current text of Regulation No. 23.
- 3. What would be the consequence of taking no action, thereby maintaining the status quo? The delegation and program cooperative agreements between ADEQ and U.S. EPA require that the department make an earnest effort to maintain consistency between state and federal regulations. While all components proposed in this revision are optional for the state to adopt them or not, the current state requirements corresponding to these proposed revisions are in the main more stringent, and Arkansas businesses would face a greater burden in maintaining compliance than those in neighboring and other states.
- 4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason for not selecting these alternatives. This rulemaking substantially codifies existing, revised federal regulations into the corresponding state regulation. As such, they are not subject to Sections 3-5 of Executive Order 05-04. As this proposal seeks to adopt and incorporate federal regulations into corresponding state rules to implement a federally authorized program, market-based or other alternatives were not considered.

- 5. Estimate the cost to state government of collecting information, completing paperwork filing, recordkeeping, auditing, and inspecting associated with this new rule. Actions and activities required pursuant to these revisions will be carried out with existing department staff and resources. No additional costs are anticipated other than the current costs of implementing the program.
- Oher types of small businesses will be required to comply with the new rule? Please estimate the number of small businesses affected. Small businesses which generate and/or manage hazardous wastes, used oils, and universal wastes are required to comply with Regulation No. 23 in managing, shipping, treating, and disposing of these wastes. As of July 1, 2009, 4,555 businesses fall within the regulated universe of the RCRA waste management program. ADEQ does not track whether regulated businesses fall within the definition of a "small business," but the RCRA regulations provide for varying degrees of regulatory requirements and compliance oversight based upon the amount of waste that a business generates at any time. Small businesses in Arkansas typically fall within those categories regulated as small quantity generators (SQGs) and conditionally-exempt small quantity generators (CESQGs). As of July 1, 2009, 279 SQGs and 31,504 CESQGs were known to be active in Arkansas. However, only a small number of these facilities fall within the economic definition of "small business."
- 7. Does the proposed rule create barriers to entry? If so, please describe those barriers and why those barriers are necessary. Reg. No. 23 does not create any barrier to entry for small businesses, and the proposed revisions will not affect this. Businesses subject to this rule are obligated to comply pursuant to federal and state law.
- 8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance. These amendments create no additional requirements or costs for small business. The federal revisions proposed to be adopted pursuant to this rulemaking are actually less stringent than the previous federal regulations that they are replacing, and the state adoption of these provisions will maintain equivalence and equity with the corresponding federal rules. Affected small businesses should recognize reduced compliance costs once these new rules are in effect within the state.
- 9. State whether the regulation contains different requirements for different-sized entities, and explain why this is, or is not, necessary. As noted above, requirements under this rule are not based upon the size of a particular business, but upon the amount of wastes which a particular business generates from month to month, regardless of the business' size or number of employees. This is consistent with the corresponding federal regulations for managing hazardous wastes.
- 10. Describe your understanding of the ability of small business owners to implement changes required by the proposed rule. ADEQ does not anticipate any difficulty for small businesses implementing these revised rules. In most cases, since many of the proposed revisions will reduce the reporting and administrative burden of compliance in comparison to the existing regulations, small businesses should realize reduced administrative burdens and costs in carrying out these provisions within their operations.

- 11. How does this rule compare to similar rules in other states or the federal government? These revisions are equivalent to the corresponding federal rules in Title 40, Code of Federal Regulations. Surrounding states are also required, as a condition of their program delegation, to consider adoption of these revisions and update their rules appropriately, so there is and will be no significant differences in the compliance requirements from those in adjacent states. Note that for easy reference, ADEQ identifies specific provisions in the body of the rule which are more stringent than or in addition to the corresponding federal regulations by printing them in italic text.
- 12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule. In June 2009, ADEQ met with the Hazardous Waste Subcommittee of the Arkansas Environmental Federal, which represents industry and small businesses affected by the federal and state waste management programs. No objection was raised to the revisions proposed in this rulemaking.

**LEGAL AUTHORIZATION:** Arkansas Code § 8-7-209 (b)(1) authorizes the Arkansas Pollution Control & Ecology Commission to "promulgate, modify, repeal, and enforce rules and regulations regarding hazardous waste management." Arkansas Code § 8-7-506 specifically authorizes the commission to "adopt regulations" with regard to the Remedial Action Trust Fund. This rule is the annual update necessary to bring hazardous waste regulation in Arkansas up to federal standards as set forth in 40 CFR Part 271 (the state program requirements under the federal Resources Conservation and Recovery Act).

### EXECUTIVE SUMMARY REVISIONS TO APC&EC REGULATION No. 23

(HAZARDOUS WASTE MANAGEMENT) Proposed September 25, 2009

The Arkansas Pollution Control and Ecology Commission (APC&EC) is proposing to amend its Regulation No. 23 (Hazardous Waste Management) in order to adopt Federal revisions to the hazardous waste management rules, and make administrative changes to the state-only provisions of the regulation. A public hearing will be held at the Arkansas Department of Environmental Quality's (ADEQ) headquarters in North Little Rock on October 29, 2009, to receive comments on the proposed revisions. This hearing will begin at 2:00 p.m. in Room 1E09 at the ADEQ headquarters building at 5301 Northshore Drive. The deadline for submitting written comments on the proposed changes is 4:30 p.m. on November 13, 2009.

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

- Regulation of Oil-Bearing Hazardous Secondary Materials From the Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas; January 2, 2008.
- National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments; April 8, 2008.
- Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019; June 4, 2008.
- Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities; December 1, 2008.
- Federal revisions to 40 CFR Part 261, which include changes published in the following Federal Register notices:
  - Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions"); October 4, 2005.
  - Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Final Rule; June 20, 2006.
  - Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations; July 14, 2006.
  - Hazardous Waste Management System; Modifications of the Hazardous Waste Program; Cathode Ray Tubes; July 28, 2006.

In addition to incorporation of changes to conform to federal regulatory provisions, the following ADEQ-initiated revisions to Regulation 23 are proposed:

- Amending Section 3(b) to show June 30, 2009, as the current ending date for adoption by reference of federal hazardous waste regulations as part of Regulation 23.
- Removing and reserving for future use of Section 6(v) to reflect the discontinuance of a fee for a state-specific hazardous waste manifest.
- Revision of Sections 260.20(d), (e), (f)(2), and 270.7(e)(2)(ii) to update references to portions of APC&EC Regulation 8 (Administrative Procedures) which have been revised.
- Removing and reserving for future use Chapter 4, since its language has been moved to APC&EC Regulation 30 (Remedial Action Trust Fund Hazardous Substances Priority Site List); Section 25 of Chapter 4 is being moved to a new paragraph, designated as Section 6(aa).

A complete listing of the proposed changes to Regulation 23 can be found on the Drafts of Proposed Regulations page of the ADEQ's Internet web site at <a href="http://www.adeq.state.ar.us/regs/drafts/reg23\_draft\_docket\_09-005-R/reg23\_draft\_docket\_09-005-R.htm">http://www.adeq.state.ar.us/regs/drafts/reg23\_draft\_docket\_09-005-R/reg23\_draft\_docket\_09-005-R.htm</a>.

Oral and written comments will be accepted at the hearings, 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. November 13, 2009. Written comments should be delivered or mailed to: Doug Szenher, public information coordinator, POA Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

directly to another petroleum refinery. The proposal would also add "gasification" to the list of already recognized petroleum refinery processes into which oilbearing hazardous secondary materials can be legitimately recycled, and add a definition for the term "gasification."

- (B) National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors; Amendments. 73 FR 18970-18984; April 8, 2008 This federal revision finalized amendments to the October 12, 2005 rule. National Emission Standards for Hazardous Air Pollutants (NESHAP); Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II Standards). It clarifies specific compliance monitoring provisions and corrects typographical errors and omissions in the earlier federal rule. This is an amendment to the Hazardous Waste Combustor Maximum Achievable Control Technology (HWC MACT) requirements previously adopted by the Commission, which are neither more nor less stringent than existing requirements, in that it makes explicit the requirement to carry out risk assessments and the imposition of permit conditions necessary to ensure protection of human health and the environment available under provisions 23 6.270.37(h).
- (C) Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019, 73 FR 31768, June 4, 2008 This federal revision amends the F019 waste listing to exempt the wastewater treatment sludge generated from zinc phosphating processes used in automobile assembly, provided the wastes are not placed outside on the land prior to shipment to a landfill for disposal and the waste is disposed in a landfill unit subject to certain liner requirements. Wastes that meet these conditions will be exempted from the listing from their point of generation, and will not be subject to any RCRA Subtitle C management requirements for generation, storage, transport, treatment, or disposal. Generators will be required to maintain records on site to show that their waste meets the conditions of this listing.
- (D) Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated with Colleges and Universities (73 FR 72954-72960), December 1, 2008. This Federal revision establishes an alternative set of generator requirements applicable to aboratories owned by universities and eligible teaching hospitals to address the specific nature of hazardous waste generation and accumulation in these laboratories.

Two Federal revisions promulgated during the window addressed in this update have not been included in this petition. These are (1) **Revisions to the Definition of Solid Waste** 73 FR 64667-64716; October 30, 2008, also known as the

# BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO REGULATION NO. 23, HAZARDOUS WASTE MANAGEMENT

DOCKET NO. 09-005-R

# PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 23, HAZARDOUS WASTE MANAGEMENT

The Arkansas Department of Environmental Quality (hereinafter "ADEQ" or the

"Department"), for its Petition to Initiate Rulemaking to Amend Regulation No 23.

Hazardous Waste Management, states.

- 1. The U.S. Environmental Protection Agency has promulgated specific changes to the hazardous waste management regulations (40 CFR Parts 260-279) published in the Federal Register between December 31, 2007, and June 30, 2009, which affect the hazardous waste management program implemented by the Department pursuant to the Hazardous Waste Management Act and the Commission's Regulation No. 23 (Hazardous Waste Management)
- Specific regulatory amendments to the federal hazardous waste management program which are proposed for incorporation into Regulation No 23 include the following Federal Register notices
- Petroleum Refining Industry Processed in a Gasification System to Produce Synthesis Gas 73 FR 57. January 2, 2008. This federal revision amends an existing exclusion from the definition of solid waste that applies to oil-bearing hazardous secondary materials generated at a petroleum refinery when these materials are recycled by inserting them back into the petroleum refining process and certain other conditions are met. The exclusion allows these materials to be inserted with the same petroleum refining process.

conditions are met, as, published in Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes; 71 FR 42947-42949, July 28, 2006. This exemption will create an additional option for and streamline management requirements for recycling used CRTs and glass removed from CRT, and is intended to encourage the recycling and reuse of CRTs and CRT glass.

The missing provisions in Section 261 from these federal revisions, whose other components were adopted in the April 2008 update to Regulation No. 23, are re-promulgated in this petition for correction and incorporation into the Regulation.

The Department is proposing the following state-specific revisions to the

state-specific provisions of Regulation No. 23:

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- (A) Section 3(b) is amended to reflect the updated window (through June 30, 2009) for Federal regulations adopted and/or incorporated by reference.
- (B) Section 6(v) is removed and reserved, as the Department has implemented the federal Uniform Manifest Rule and no longer sells or requires the use of a state-specific hazardous waste manifest.
- (C) Sections 260.20(d), (e), (f)(2), and 270.7(e)(2)(ii) are revised to update revised citations to the Commission's Regulation No. 8, wherein the chapters and paragraphs were renumbered during its most recent revision in January, 2009
- (D) Chapter 4 (Regulations Promulgated Pursuant to Act 479 of 1985) is removed and reserved, as these regulations have been moved to Regulation No 30. Section 25 (Fees on the Generation of Hazardous Waste) has been renumbered and moved to a new paragraph, Section 6(aa).
- 4 Line-by-line details of the proposed revisions are listed at Exhibit "A"
- 5 Compliance with Act 143 of 2007 (Jormerly Executive Order 05-04). The Act is not applicable to rules that are federally mandated, or that substantially codify existing state or federal laws (A.C.A. § 25-15-302(a)(2)). ADEQ determines that Act 143 of 2007 is

"Hazardous Secondary Materials rule," and (2) **Expansion of RCRA Comparable Fuel Exclusion** (73 FR 77953-78017; December 19, 2008). Both these rules were published in the closing days of the previous presidential administration, and were subsequently challenged to the Environmental Appeals Board. EPA began a series of hearings in late June, 2009 to formulate an answer to the issues raised, determine whether the Hazardous Secondary Materials Rule should be modified or left in place; and is considering rescinding the expansion of the Comparable Fuels rule. ADEQ has opted to defer adoption and implementation of these revisions pending the resolution of EPA's review of these rules.

In the final copy of Regulation No. 23 filed for adoption by the Commission on April 25, 2008, the proposed revisions to Section 261 of the Regulation were mistakenly left out. This included components of four federal revisions which had been proposed for adoption at that time:

- Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions"); 70 FR 57784-57785, October 4, 2005, which added an exemption for de minimis amounts of benzene and 2-ethoxyethanol in specific wastewaters;
- Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Final Rule; 71 FR 35395-35396, June 20, 2006. This federal revision amended Section 261, Appendix IX, Table I to remove a delisting decision for wastewater treatment sludges (F006 filter cake) generated by the Tokusen, USA facility in Conway, Faulkner County. Changes in the production operations at the facility invalidated the conditions of the delisting, and this delisting decision was withdrawn by EPA. (Tokusen USA has since applied for a new delisting of the wastewater treatment sludges from the revised process, and this petition is currently being reviewed by EPA Region 6 and ADEQ staff.)
- The revisions to Section 261 contained in Hazardous
  Waste and Used Oil; Corrections to Errors in the Code
  of Federal Regulations; 71 FR 40258-40280, July 14,
  2006; which corrected certain omissions, typographical
  errors, misspellings, citations, etc. in the text of the federal
  regulations. These revisions do not create any new
  regulatory requirements.
- The conditional exemption for cathode ray tubes (CRTs) from the RCRA definition of solid waste if specific

not applicable to this proposed rule because the amendments to Regulation No. 23 included in this proposed rulemaking substantially codify existing state and federal regulations. (Ark. Code of 1987, Ann. § 25-15-302(a)(2)(C)). An overview of the projected impact of each specific provision proposed for adoption in this regulation is included in the Economic Impact Environmental Benefit Analysis at Exhibit "D".

7. Clyde Rhodes. Chief, Hazardous Waste Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. (Due to the size of Regulation No. 23, only the specific sections to be amended are addressed at Exhibit "A". These revisions will be incorporated in the whole of the Regulation at the completion of this rulemaking.) The Legislative Questionnaire for filling proposed rules and regulations with the Arkansas Legislative Council and Joint Interim Committee is attached at Exhibit "B." The Legislative Financial Impact Statement is attached at Exhibit "C". A statement concerning compliance with the provisions of Act 143 of 2007 is attached at Exhibit "D." A copy of the completed economic impact/environmental benefit analysis pursuant to Regulation No. 8 812 is attached at Exhibit "E." A copy of a regulatory flexibility analysis prepared pursuant to Executive Order 05-04 and Act 143 of 2007 is attached at Exhibit "F". A proposed Minute Order which initiates this request is attached at Exhibit "G".

WHEREFORE, the ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed amendments to Regulation No. 23 for public notice and comment.

Respectfully submitted,

J. Ryan Benefield, P.E. Acting Chief, Hazardous Waste Division Arkansas Department of Environmental Quality (501) 682-0831

## EXHIBIT A:

PROPOSED RULE CHANGES

# ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



# REGULATION No. 23 HAZARDOUS WASTE MANAGEMENT

Presented to the Pollution Control and Ecology Commission

September 25, 2009

PC&E Republican No. 23 September 15, 2009 Initial (Mark-Up) Draft

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### REGULATION No. 23

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# Section 267— STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT

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excluded from inclusion in a facility's determigenerator (pursuant to § 261.5(c)(1)-(6) of this nation of its compliance status of category as a paragraph (ii) also e for hazardous wastes

3 Section 268.10 is amended by adding in alphabetical order the definition of "Gasification," to read as follows:

### § 260.10 Definitions

Gasification. For the purpose of complying with Services 261.4(a) 112(i) of this regulation, gasification is a decomposition, limited exidation, and gas cleaning to process, conducted in an enclosed device or systems designed and operated to process petroleum feedstock through a series of highly controlled steps utilizing thermal and carbon monoxide gas. rield a synthesis gas composed primarily of hydrogen ncluding oil-hearing hazardous secondary materials

Section 160.11(c)(3)(vii) is amended to read as follows:

### § 260.11 References.

this regulation, the following publications are incorporated by reference. (a) When used in Sections 260 through 268 and 278 of

(c) \* \* \* (3) \* \* \*

(vii) Method 1312 dated September 1994 and in Update III, 18R approved for Section 261 appendix 1X and 40 CFR

Section 260.20 (d), (e), and (f)(2) are amended to read as

### § 260.20 General

### \* \* \* \* \*

in sesponise to a third-purit pentium, or upon the written taw23(v)AA, (a)23(v)BA, (a)8 request of any interested person, the Commissionshall came (2,4)23(v)AA, (a)923(v)BA, (a)924(v)BA, notice of the proposed regulation to be given as provided by hold a public hearing as required by Regulation to 8. APCA M. Regulation No. 8. § 8.801–803 and shall (d) If the Commission initiates rule making procedures 6. Section 261.3 is amended by revising paragraphs

ie) The Commission shall direct the proponent of the third-party rule to compile or produce partions of the rulemaking recurd required by Regulation No. 8, :

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8.814 In all cases the proposent of a third-party rule shall Responsive Summury required by Regulation No 8 prepare a proposed Statement of Basis and Purpose <u>and</u> 8 8.815 for the Commission's review prior to its final

the Department shall state irreposition on any proposed third-party proposed to change regulations in writing for the rulemaking devision (f) (1) Prior to the close of the public comment period.

Responsive Summury at the close of the public comment period pursuant to the guidelines of Regulation No. 8, \$ 10. 8,815 proposed Statement of Basis and Purpose and (2) The Department shall prepare its own

appropriate, giving due regard to the right of the public to fair notice as provided by this regulation and Regulation No. 8 of Basis and Purpose and Responsive Summaries. whatever rulemaking proceedings it deems the Commission may issue its final ruling, or order the Department's positions and proposed Statements (3) Upon consideration of the petitioner's and

### AND LISTING OF HAZARDOUS Section 261—IDENTIFICATION WASTE

to be the number "?"). ence to "Table I" to read "Table I"(i.e., revise the letter "]" 5. Section 261.2 (c)(1)(i) is amended by revising the refer-

# § 261.2 Definition of Solid Waste.

\* \* \* (3) (1)\*\*\*

they are: 05 :: (i) Materials noted with an "X" in Column · Table I are solid wastes when

tax2XivxA), (aX2XivXB), taX2XivXD), taX2XivXF) and

# 261.3 Definition of hazardous waste

(2) \* \* \* \* \* \* (53)

> are amended as itemized below: Provisions of APC&EC Regulation No. 23 (Hazzardous Waste Management), dated April 25, 2008.

### OF REGULATION No. 23 (HAZARDOUS Section 3. AMENDMENT AND UPDATE WASTE MANAGEMENT)

1. Section 3(b) is amended to read as follows:

regulations shall constitute a reference to the regulation as herein adopted; and provided that the effective date of references elsewhere in this chapter to any of the following to the "Arkansas Department of Environmental Quality", All Protection Agency" or "EPA" shall be considered references Quality"; and all references to the "U.S. Environmental to the "Director of the Arkansas Department of Environmental therein to "Administrator", "Regional Administrator" line and word for word with the exception that all references provisions of this Chapter as though set forth herein line for listed immediately below, promulgated by the U.S. Environmental Protection Agency, are hereby adopted as Regulation shall be the date such provisions are specified as "Director", or "State Director" shall be considered references have no bearing on the effective date of any provisions of this effective date of the federal regulations adopted herein shall being effective by the Commission in its rulemaking and the provisions adopted herein by reference as provisions of this (b) Incorporations by Reference. The regulations

# Title 40 Code of Federal Regulations:

of delisting decisions for Arkansas companies; for analogous provisions, see Reg. 23 § 261 Appendix (1) Appendix IX of Part 261 (with the exception

(3) Subpart A of Part 124 with the following exceptions: 124.1, 124.2, 124.3(b), 124.3(c), 124.3(d), 124.3(e), 124.5(b), 124.5(e), 124.5(g), 124.6(b), 124.9, 124.9(a)(1)(i), 124.10(a)(1)(iv), analogous provisions as referenced in § 270 of this Regulation No. 8 (Administrative Procedures) for 124.10(a)(1)(v), 124.12(e), 124.14, 124.15, 124.16, 124.18, 124.19, and 124.21 (see also APC&EC (2) Appendix IX of Part 266; and

"interim final rules" and "technical amendments") published in the Federal Register by the US Environmental Protection Agency on or before (4) All as adopted as final rules (including

June 30, 2009

# Section 6. Fees

 Section 6 is amended by removing and reserving para-graph (v), and moving and renumbering the provisions for-merly listed at Section 25, and redsignating it as paragraph (aa) to read as follows:

(V) \* \* \* \*

## Reserved

(aa) Fees on the Generation of Hazardous Waste (1) On or before April I of each year:

during the preceding calendar year hazardous wastes generated outside the State shall report for treatment, storage, or disposal in Arkansas calendar year; and every person who accepted wastes in Arkansas during the preceding remerting requirement. 264.75, and/or 265.75, submission of the annual report on or before March I fulfills this facilities subject to the Arkansas Annual Report of Hazardous Waste at §§ 262.41. generated or accepted to the Director on forms the total amount of such hazardous wastes prescribed by the Department, (Note: for (i) Every person who generated hazardous

of such wastes (except as exempted at paragraph (3) below) and billed by the Department assessed a fee, based upon the combined total oursuant to subsection (a) above shall be to be paid to the Department on or before July in accordance with reported waste generation. and paid according to the following schedule: of each year. These fees shall be calculated (ii) Every person required to report wastes

Psynds Generated Annual Fee

,	0	r,n	4	F.50	2	ľ
500,000 and above	400,000 to 499,999	300,000 to 399,999	200,000 to 299,999	100,000 to 199,999	30,000 10 99,999	646.67 010
\$10,000.00	\$ 7,500,00	\$ 5,000,00	\$3,000,00	S 1.500.00	\$ 50.00	7 0.00

(iii) No fee shall be assessed pursuant to

PCSE Regulation No. 25 September 25, 2009 Initial (Main-up) Draft

i...i

culate the weekh average consentration of these phenicals averages. If the brevet of the sampling and analysis plan of if the Director finds that the listificial of lossings the sampling and analysis plan, the Director half notified facility to cease the use of the direct monitoring option and such since option and such time as the bases for rejection are corrected; of

(D) A discarded hazardous waste, commercial chemical product, or chemical intermediate listed in § 261.31 through 261.33, ansing from de minimis losses of these materials

paragraph (ak2kiv)(D), de minimis losses

tainers or from containers that are rendered empty by that rinsing. Any manufacturing for facility that claims an exemption for handling operations (e.g., spills from the unloading or transfer of materials from from well maintained pump packings and seals; sample purgings; relief device dis-charges; discharges from safety showers striction constituents). A facility is eli-eible to claim the exemption once the permit writer or control authority has are inadvertent rean exemption for de minimis quantities of wastes listed in subsection D of this application of submission to its pre-treatment control authority the conleases to a master afer treatment system. including these from normal material bins or other containers, leaks from pipes valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks and rinsing and cleaning of personal safety equipment; and rinsate from empty conde minimis quantities of wastes listed in §§ 261.31 through 261.32, or any nonmanufacturing facility that claims section must either have eliminated the discharge of wastewaters or have included in its Clean Water Act permit (in Section 261. Appendix VIII of this Regulation; and the constituents in the table "Treatment Sandards for Hazardous Wastes" in § 268.40 of this Reguation for which each waste has a treatnent standard (i.e., Land Disposal Restituents for which each waste was listed

krases via the Chean Water Act permit application or the pretrainent control authoritis submission. A cop. of the Chean Water permit application or the submission to the pretreatment control authority austs be placed in the facility's ope-site fifest, or

ing the headworks of the facility's waste-water treatment system (at facilities subject to regulation under the Clean (F) One or more of the following wastes in the process, destroyed through treatment, or is recovered, i.e., what is diswastewaters from the production of carardous Waste No. K157)-Provided that and triethylamine (including all amounts that cannot be demonstrated to be reacted erage weekly flow of process wastewater prior to any dilution into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight OR the total measured an enforceable limit in a federal operating permit that minimizes furitive tration levels must file copy of their sam-pling and analysis plan with the Direcsopy of a revised sampling and analysis plan outy if the initial plan is rendered inaccurate by changes in the facility's bamates and carbamoyl oximes (EPA Hazthe maximum weekly usage of formaldehyde, methy i chloride, methylene chioride, charged or volatifized) divided by the av-Air Act as amended, at 40 CFR Parts 60, 61, or 63, or at facilities subject to citties that choose to measure concenplan must include the monitoring point ocation (headworks), the sampling freconcentration of these chemicals enteremissions), does not exceed 5 parts per million on an average weekly basis. Falor, as the context requires, or an auhorized representative ("Director" as defined in § 270.2). A facility must file a enerations. The sampling and analysis quency and methodology, and a list of constituents to be monitored. A facility s eligible for the direct monitoring opion once they receive confirmation that eceived by the Director. The Director nay reject the sampling and analysis nd analysis plan fails to include the olan if heishe finds that, the sampling bove information; or the plan paramisted in § 261.32 of this Regulation an-site files; or

tration of these solvents entering the headworks of the facility's wastenater treatment system (at facilities subject to mum total weekly usage of these solvents (other than the amounts that can be demof wastewater into the headworks of the facility's wastewater treatment or pretreatsolvents listed in § 261.31 —benzene, carbon tetrachloride, tetrachloride trichloriethylene or the sambber waters derived-from the combustion of these spent solvents -- Provided. That the maxionstrated not to be discharged to wastewater) divided by the average weekly flow ment system does not exceed I part per milliam. OR the total measured concenregulation under the Clean Air Act. as or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions), does not ncekb basis. Any facility that uses benzenc as a solvent and claims this exemption must use an acrated biological wastewater treatment system and must tanks prior to secondary clarification in cilities that chouse to measure concen-tration levels must file a copy of their authorized representative ("Director" as defined in \$170.2 of this regulation). A facility must the a copy of a revised sampling and analysis plan must in-clude the monitorine point location for the direct monitoring option once they receive confirmation that the same may reject the sampling and anatysis plan if heishe finds that, the sampling and anatysis plan falls to include the calculate the weekly average concentra-tion of these chemicals accurately. If the Director rejects the sampling and analy: amended, at 40 CFR Parts 60, 61, or 63. exceed I part per million on an average ase only lined surface impoundments or the wastewater treatment system. Fasampling and analysis plan with the Director, as the context requires, or an initial plan is rendered inaccurate by changes in the facility's operations. The and methodology, and a list of constituabove information; or the plan paramsampling and analysis plan only if the (headworks), the sampling frequency ents to be monitored. A facility is eligible pling and analysis plan has been received by the Director. The Director eiers would not enable the facility to

vis plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct monitoring option until such time as the

ents (other than the amounts that can be demonstrated not to be discharged to facility's wastewater freatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 benzene, u- dichimmhenzene, uresnik, erpyridine, spent chlorofluorocarbon sofvents, 2-ethoxyethand, or the scrubber these spent solvents-Provided that the wastewater) divided by the average headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million. OR the total their sampting and analysis plan with the Director, or an authorized represen-tative ("Director" as defined in § 270.2). solvents tisted in \$ 261.31 - methylene chloride, 1.1.1-thehloroethane, chloromaximum total weekly usage of these soiweekly flow of wastewater into the measured concentration of these solventy entering the beadworks of the CFR parts 66, 61, or 63, or at facilities eral operating permit that minimizes parts per million on an average weekly basis. Facilities that choose to measure A facility must file a copy of a revised sampling and analysis plan only if the mitial plan is rendered inaccurate by changes in the facility's operations. The clude the monitoring paint location headworks), the sampling frequency may reject the sampling and analysis esylic acid, nitrobenzene, toluene, methy ethyl ketone, carbon disulfide, (sobutano) subject to an enforceable limit in a fedconcentration levels must file a copy of ind methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once pling and analysis plan has been received by the Director. The Director ters would not enable the facility to calfugility emissions), does not exceed 2: they receive confirmation that the sam ni analysis plan fails to include the beve information; or the plan paramwaters derived-from the combustion bases for rejection are corrected; or (B) One or more of the

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been notified of possible de minimis re-

PC&E, Regulation No. 23 September 25, 2009 Initial (Mark-Up); Draft

COAE Regulation for Charles and Mark-John Charles

of compliance with any condition, it may pliance with all conditions and that the violations are not likely to recur. finding that the plant has returned to com-Director may reinstate the exclusion upon

(a)(12)(ii) of this section, oil-bearing hazardous secondary under this provision. Except as provided in paragraph directly to another petroleum refinery and still be excluded the same petroleum relinery where they are generated, or sent does not exhibit a characteristic of hazardous waste. Oil-Materials inserted into thermal cracking units are excluded under this paragraph, provided that the coke product also or speculatively accumulated before being so recycled but not limited to, distillation, catalytic cracking, fractionation the petroleum refining process (SIC code 2911a petroleum refinery (SIC code 2911) and are inserted into sludges, byproducts, or spent materials) that are generated at F037 listed wastes when disposed of or intended for disposal recycling materials excluded under this paragraph (a)(12)(i). under this section. Residuals generated from processing or from sources other than petroleum refineries) are not excluded bearing hazardous secondary materials may be inserted into units (i.e., cokers)) unless the material is placed on the land gasification (as defined in § 260.19) or thermal cracking where such materials as generated would have otherwise met materials generated elsewhere in the petroleum industry (i.e. listing under Subsection D of this Section, are designated as (12)(i) Oil-bearing hazardous secondary materials (i.e. -including,

# (22) Used cathode (a) tubes (CRIs)

261.1(c)(8) by CRT collectors or glass protively accumulated as defined in § are disposed, or unless they are speculawastes within the United States unless they 260.10 of this regulation are not solid (i) Loed, intact (RIs as defined in t

vided that they meet the requirements of wastes when exported for recycling pro-260.10 of this regulation are not solid (ii) Used, intact CRTs as defined in §

260 lit of this regulation are not solid (iii) Used, broken CRTs as defined in §

wastes provided that they meet the require-(ix) Glass removed from CRTs is not a

solid waste provided that it meets the renirements of § 261.39(c).

(b) \* \* \* (6) \* \* \*

(11)

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meet the standard in paragraphs (b)(6)(i) (A), (B), and (C) (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other charactoristic) are:

save/ chrome tan/retan/wet finish; retan/ wet finish; no beamhouse: through-the-(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp blue; and shearling.

generated by the following subcategories of the leather tanning and finishing indushair save/try: Hair pulp chrome tan/retan/wet finish (F) Wastewater treatment .... sludges chrome tan /retan

products for these materials' intended end use. senical-treated wood waste is generated by persons who utilize the arnot a hazardous waste for any other reason if the ous Waste Codes D004 through D017 and which is the test for the Toxicity Characteristic for Hazardsenical-treated wood or wood products which fails (9) Solid waste which consists of discarded ar-

### (35)

\*\* \* \* or gas condensate from K176, K177, and K178 is no longer exempt if stored or managed in surface impoundment prior to discharge. After February 26, 2007, leachate or € After November 21, 2003, leuchate

### (e) \* \* \* (2) \* \* \*

(vi) The generator reports the information required under paragraph (e)(2)(v)(C) of this section in its annual re-

### (f) \* \*\*

the Director by March 15 of each year, that -(9) The facility prepares and submits a report to are includes the following infor-

# mation for the previous calendar year.

Specific wastes which | end of paragraph (c)(6) and adding in its place a semicoion. 8. Section 261.5 is amended by removing the period at the

> calculate the weekly average concentra-tion of these chemicals accurately. If the Director rejects the sampling and analy-six plan or if the Director finds that the facility is not following the sampling and analysis plan, the Director shall notify the facility to cease the use of the direct eters would not enable the facility to

chrome tan/retan/wet finish; hair

wet finish; and through-the-blue.

milligrams per liter on an average weekly basis. Facilities that choose to measured concentration of these chemiof 5 milligrams per liter OR the total headworks of the facility's wastewater chloride, methylene chloride, and triethy-lamine prior to any dilutions into the changes in the facility's operations. The sampling and analysis plan must inmeasure concentration levels must file subject to an enforceable limit in a fedfacility's wastewater freatment system treatment system does not exceed a total ("Director" as defined in § 279.2). A fawith the Director, as the context recupy of their sampling and analysis plan eral operating permit that minimizes CFR Parts 60, 61, or 63, or at facilities the Clean Air Act as amended, at 40 (at facilities subject to regulation under may reject the sampling and analysis ceived by the Director. The Director and methodology, and a list of constituclude the monitoring point location tial plan is rendered inaccurate by pling and analysis plan only if the inicility must file a copy of a revised samquires, or an authorized representative fugitive emissions), does not exceed \$ ding and analysis plan has been rethey receive confirmation that the samfor the direct monitoring option once ents to be monitored. A facility is eligible headworks), the sampling frequency

> sis plan or if the Director finds that the facility is not following the sampling and calculate the weekly average concentra-\* \* \* \* \* the facility to cease the use of the direct analysis plan, the Director shall notify Director rejects the sampling and analytion of these chemicals accurately. If the eters would not enable the facility to above information; or the plan parammonitoring option until such time as the

# 7. Section 261.4 is revised as follows:

tion - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the

ment of one or more of the following wastes listed in § 261.32 of this Regula-

bases for rejection are corrected; or monitoring option until such time as the

G) Wastewaters derived-from the treat-

- a. In paragraph (a)(9)(iii)(E) to read as follows:
- "Specific waste" to read "Specific wastes"; d. In paragraph (b)(6)(ii) introductory text, revise b. by revising paragraph (a)(12)(i) to read as follows:
   c. Adding a new paragraph (a)(22), to read as follows:

concentration of formaldehyde, methyl K156).-Provided, that the maximum production of carbamates and carbamoyl oximes (EPA Hazardous Waste No.

- e. In paragraph (b)(6)(ii)(D), revise "crome" to read f. In paragraph (b)(6)(i)(F), revise "sludes" to read
- g. In paragraph (b)(9), revise "and wood product" to read "and wood products"; "chrome tan"; "sludges", and revise the word "chrometan" to read
- read "After". h. Amend paragraph (b)(15)(v) by changing "As of" to
- i. In paragraph (e)(2)(vi)\_revise the citation "(e)(v)(C)"
- j. In paragraph (1)/9) introductory text to read as follows

### § 261.4 Exclusions

### (9) \* \* \*

(111) \* \* \*

to begin operating under the exclusion, and containing the following language: "I exclusion, the plant owner or operator pre-pares a one-time notification stating that comply at all times with the conditions set out in the regulation." The plant must giving the date on which the plant intends the plant intends to claim the exclusion. on-site records solutions and understand it requires me to wastewaters and spent wood preserving have read the applicable regulation estabmaintain a copy of that document in its lishing an exclusion for wood preserving (E) Prior to operating pursuant to this

all of the conditions. If the plant goes out clusion applies so long as the plant meets until closure of the facility. The ex-

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determined at atmospheric tempera-

rector, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2).

(B) Using the Bureau of Explosives. cedure shall be acceptable to the Bureau of Explosives and approved by the di-

Flame Projection Apparatus (see Note the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes (C. Using the Burga of Explosives Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source. (D) Using the Barcau of Explosives. Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air back and burns at the valve with any degree of valve opening.

pose of this subchapter is a subchance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that vields oxygen readily to stimulate (4) It is an exidirer. An exidizer for the pur-Ol An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peratoms bave been replaced by organic radiexide where one or more of the hydrogen tals must be classed as an organic peroxthe combustion of organic matter (see Note 4).

(A) The material meets the definition of a Class A explosive or a Class B ev. plosive, as defined in § 261.23(a)(8), in which case it must be classed as an explosive. (B) The material is forbidden 173.21. (C) It is determined that the le be offered for fransportation according to 49 CFR 172,101 and 49 CFR of Transportation (see Note 3), it has been determined that the material does Dof present a hazard in transportation. predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or (D) line and Hazardous Materials Safety Administration in the U.S. Department According to data on file with the Pipe-

Note 1: A description of the Buress of Explosures, Plans Projection Apparatus, Open Drum Apparatus, Closed Trum Apparatus, and method of tests may be procured from the

Barran of Explosives.

Most List, hepartiment of Temportation (MOT) recreamation, the Office of Financiation (MOT) recreamation, the Office of Financiation Americal Computers of the Office of Financial Computers of Explosive Computers of Financial Computers of Explosive Comp

extende percentific in a type of existing

12. In Section 261.24, amend paragraph (b) by revising the reference to "Table I" to read "Table I" (i.e., replace the letter "i" with the number "i";

mixture in the drum,

# § 261.24 Toxicity characteristic.

(b) A solid waste that exhibits the characteristic of tox. 

13. Section 261.31 is amended as follows:

ide unless:

a. In the table in paragraph (a) by revising the entry for F019.

FOLO Wastewater treatment shalpses from the chemical conversion conting
of signature every first articular physicians are designed as a conversion of signature every first articular physicians are as a conversion of signature can working
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b. Amend the Table in § 261.31(a) by adding a footnote at the bottom to read as follows: ``\*(1, T) should be used to specify mixtures that are ignitable and contain toxic

c. By adding paragraph (b)(4).

and by adding paragraph (c.k.7) to read as follows:

waste generated by conditionally exempt small § 261.5 Special requirements for hazardous quantity generators.

\* \* \* (0)

commercial chemical product (Section 26, subsection D or exhibiting one or more characteristics in Section 26, subsection C of this regulation that is concrated solely as a result (7) Is a bazardous waste that is an unused academic entity purguant to § 262.213. For purposes of this provision, the term, eligible avademic entityshall have the meaning as defined of a laboratory clean-out conducted at an eligible in § 262,200 of Section 362,

Nection 261.6 is amended as follows:

a. In paragraph (a)/2xix.remove the parentherical phrase "Ysubsection C)" and add "YSection 266, subsection C)" in its place:

(subsection H)" and add "(Section 266, subsection H)" in b. In paragraph (a)(2)(n), remove the parenthetical phrase its place;

c. In paragraph (a#2)(ii), remove the parenthetical phrase '(subsection F)' and add '(Section 266, subsection F) in its place;

d. In paragraph (a X2 Kiv), remove the parentheneal phrase "(subsection G)" and add "(Section 266, Subsection e. In paragraph (c)(2), revise the word "reycled" to read G)" in its place;

recycled

# § 261.6 Requirements for recyclable materials.

(2) \* \* \* (2) \* \* \*

(i) Recyclable materials used in a manner constituting disposal

Subsection C.

(ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under subsection O of section 264 or 265 of this regulation --

(§ 266, subsection H)

(iii) Recyclable materials from which precious metals are reclaimed 266, subsection E): (iv) Spent lead-acid batteries that are being reclaimed www common (\$ 266, subsection

recyclable materials without storing them before (2) Owners or operators of facilities that recycle CECENTED are subject to the following requirements, except as provided in paragraph (a) of this section: they are

10 Section 261.7(a)(1) is revised to read as follows.

## § 261.7 Residues of hazardous waste in empty containers.

(all) Any hazardous waste remaining in either (i) an empty container; or

(ii) an uner tiner removed from an empty container, as defined in paragraph (b) of this section, is not subject to regulation under secof RCRA

(aki) and (akk) and adding miles I through 4 to the end 11. Section 261.21 is amended by revising paragraphs of the section to read as follows:

# § 261.21 Characteristic of ignitability.

\* \* \* (8)

(3) It is an tenitable compressed gas.

(ii The term "compressed sas" shall des-evalte aux malerial or mixture having in of the pressure at 70 degrees f. having an absolute pressure exceeding 194 p.s.i. at 130 degrees F: or any liquid flammable mateing 40 p.s.i. at 70 degrees F or, repardiess tial having a vapor pressure exceeding 49 the container an absolute pressure exceed

D.S.L. absolute at 100 degrees F. as defer-mined by ASTM Test D.-323.
(ii) A compressed gas, shall be character-ized as ignitable if any one of the following SZ0235

mable mixture or the flammable range with air is wider than 12 percent regard-less of the lower limit. These limits shall (A) Either a mixture of 13 percent or kss (by volume) with air forms a flam-

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PCSE Regulation No. 23 September 26, 2009 Initial (Mark-Up) Draft

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phenyl: Dichlorophenylarving Dieldrin	Armonous dishloride.	dissiruphenel	CNG 1-Occuberyl-4.6-	Ethancdonitche Oyanagen chloride Oyanagen chloride	etherwise specified	Cynnides Isoluble	Copper cyanide	Benzyl chloride	Benzene, (chlere-		Thisures (1-chlore- phenyl):		Acetaldebyde, chere- Chereacetaldebyde Benzenamine, 4 chiere	Calcum canide CalCO Carbon disulfide	Discool, 2-(1-methyl propyl)-4.6-diskins	Siry dinidin-10-one.	Bransactions 2Propanenc 1-breme-	Dischioromethyl ether Methana, saxhis ishioro-	Benzenethiol Thisphened	Arrenke a side As2 O Arrenke irigalde Bartan cyanide	Armonic acid H2 AsQ. Armonic valde As2 Q.	4-Aminopyridins 4-Pyridinamins 4-Pyridinamins Ammonium picrate (R) Phenel, 2-4, 6-4 tinkire-, ammonium sait (R)	3/2H)-laexazolens.5-	SAminomethyb-3	Allyl skeehol L.P.repen-1-el Aluminum phosphids	
		7951 72-28-8		72010100000	P950 115-29-7	THE PERSON NAMED IN	P048 51-18-4	P947 534-52-1	P947 534-52-1	P946 121-09-8	P946 172-09-8		29126-18-4	P044	P943 55-91-4	P942 31-43-4 P943 55-91-4	P042 31-42-4	P941 311-45-5	P941	P948	P948	P)38			P937 69-57-1	
beta, Jahren, Jahoba, Salpha, Jahren, Jacha, Salpha, Sabeta, Jacha,	1a,2,24,3,6,64,7,78-	2.3-b.) oxirena. 3.4.5.6.25- bexachbore	3-exide	6.7.8.9.10.10 hexachlero-	diamida (III). NICISI): NII	Diffuloblums Thio(m)dod)carbonic	Phenol 2.4-dinitro-	Phenol 2-methyl-4.6	4.6-Dinitro-o-cressl. &	alpha alpha: Dimedaviohenethylamine	Thisfanex Benzenethanamine	(methylanine) (methylanine) carbonyll szime	oxoethyl ester oxoethyl ester oxoethyl ester oxoethyl-1-	Dimethoats Phorphorodithiok acid. O.O.dimethyl S-12.	Phospherefluoridic acid, bis(1-methy) ethy) ester	Epinephrine Wegerger! Ausre- phosphate (DFF)	1.2-Benzenedial. 4-II: hydraxy.2-(methyl amine) chyll (R.):	Phosphoric acid, diethyl 4-astrophenyl ester	ester Diethyl-p-nitrophenxi phosphate	phosphorethiosts Phosphorethiois seid. O-diethyl O-pyrastay)	(ethyltthio)sthyll salest Q,Q-Disthyl Q- pyrasilnyl	Diethyarrine Diethyarrine Distillation Phosphorodithies acid. O.O-diethyl S-(2-	Zbeta,Zsagba,Jbeta,20eta 6aa)pha,Zbeta, Za-alpha-	octahydra- (lasipha	2.1:36: Directhanenaphthil.d- bluxirene, 1.4.56.29: besachiere:	

(b) \* \* \* following apply to wastewater treatment studges from the manufacturing of motor vehicles using a zine phosphating process. (4) For the purposes of the F019 listing, the (i) Motor vehicle manufacturing is defined

to include the manufacture of automobiles be engaged in manufacturing complete chassis only. and sport utility vehicles). Facilities must light duty vans, pick-up trucks, minivans, and light trucks/utility vehicles (including vehicles (body and chassis or unibody) or

site records documentation and information sufficient to prove that the wastewater treatment sludges to be exempted from the F019 listing meet the disposed of offsite; documentation showing when the waste volumes were generated and sent off site; the name and address of confirming receipt of the waste by the receiving facility. Generators must conditions of the listing. These records must include: the volume of waste generated and maintain these documents on site for no the receiving facility; and documentation extended during the course of any for the documentation is automatically less than three years. The retention period (ii) Generators must maintain in their un-Director, enforcement action or as requested by the

## § 261.31 Hazardous wastes from non-specific sources.

ignitable and toxic constituents. FOOTNOTE: \*/LT) should be used to specify mixtures containing (a) \* \* \*

13. In Section 261.32, amend the Table entries for "K107", "I,1-dimethyl-hydrazine" by deleting the hyphen to read "I,1-dimethylhydrazine":

Pari

### sources. § 261.32 Hazardous wastes from specific

No. 12 (19)

K 107 Column bottoms arhou, iso and traductions (C.T.) Trom product separation from the production of L1-dimethylhydracing (CDAdit) from

14. Section 261.33 is amended as follows:

a. In paragraph (e), revise the phrase "are subject to be the" to read "are subject to the";

set forth below; adding a sentence at the end, within the brackets, to read as b. In paragraph (e), amend the bracketed Comment b)

read "manufacturing" c. Amend paragraph (f) by revising "manfacturing" to d. In paragraph (f), amend the bracketed Comment by

adding a sentence to the end, within the brackets, to read as

e. In the table of paragraph (f), add an entry just above the entry for "1:227" (in column 1), "79-00-5" (in column 2), and "1,1,2-Trichloroethane" (in column 3) to read as set set forth below. forth below.

### dues, and spill residues thereof. § 261.33 Discarded commercial chemical products, off-specification species, container resi-

\* \* \* \* \*

chemical intermediates or off-specification commercial chemical products or manufacturing chemical inter-mediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and fined in § 261.5(e). (e) The commercial chemical products, manufacturing are subject to the small quantity exclusion de-

Comment. For the convenience of the regulated community the primary, hazardous properties of those materials have been midicated by the letters 'I flouristy), and R. (Resectivety). Absence of a letter inducted that the non-pound-only, is initial for soute towards. 'Master are first listed in a phalabeth-cal order by substance and then listed again in numerical order by

### Harardous Waste Number

Abstracts No

Substance

Fluggerdous
waste No
\* \* \* \* \* 1064 81-81-2

197-92-8 197-92-8 197-92-8 198-98-2 591-08-2 81-81-2 1H-1-Benzopyrae-2-one. 4hydroxy-3-d-3-oxo-1phenylburyll-5- adils
when present at concentrations greater than 0.3%
Variante. 4- adils.
when present at
onnemitations greater
consentrations greater Dimechanonaphthalens.
1,2,1,4,19,19-be 1a-chlo ro1,4,4a,5,8,8a-be tahydre()-alpha,4alpha,4alpta.
5alpha,8alpha,8alpta. -Acetyl-2-thiourea

2002

PC&E Regulation No. 23 September 25, 2009 Initial (Mark-Up) Draft

23

PC&E Regulation No. 23 September 25, 2009 Initial (Mark-Up) Direct

24

#### **TENTATIVE AGENDA**

### LEGISLATIVE TASK FORCE ON SICKLE CELL DISEASE

Little Rock, Arkansas

Wednesday, March 17, 2010 10:00 a.m. Room 272 State Capitol

- A. Call to Order
- B. Comments by Chairman, Mr. Germaine Johnson
- C. Consideration to approve Minutes of January 20, 2010

Report on Annual Sickle Cell Disease Symposium

- E. Requested information on sickle cell outpatient visits (12/18/09 meeting)- Ms. Kimberly Hayman
- F. Report of Strategic Plan Focus Groups:
  - Evidence-based clinical care Dr. David Becton
  - 2. Education Ms. Kimberly Hayman
  - 3. Supportive services Mr. Germaine Johnson
  - 4. Registry Dr. Bob West
  - Research infrastructure Mr. David Deere
  - 6. Marketing Ms. Robin Lockhart

#### Other Business

#### H. Adjournment

?? Discussion on palliative care for patients and families - Dr. Becton was to meet with Dr. Laura Hutchins, Dr. Jo Ann Wood and Dr. Sarah Harrington prior to the February meeting. (He asked, during the December meeting, that they be invited to the January or February meeting.)

?? Requested information on needs of sickle cell patients and families (12/18/09 meeting)

Ms. Angela Mull, Sickle Cell Specialty Nurse, Arkansas Children's Hospital? Dr. Becton's 1/20/10 email asked if he could invite Ms. Mull to an upcoming meeting)

Hematologist - (11/18/09 mtg) - Dr. Becton advised that a local adult hematologist expressed an interest in speaking with the Task Force and you advised you would give Dr. Becton contact info. for a physician that treats sickle cell patients. Is this a pending agenda topic?

Xena

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