

NOTICE OF PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at North Little Rock October 29, 2009, to receive comments on proposed revisions to APC&EC Regulation 23 (Hazardous Waste Code). The hearing will begin at 2:00 p.m. in Room 1E09 at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive. The deadline for submitting written comments on the regulation is 4:30 p.m. November 13, 2009.

APC&EC authority for revising Regulation 23 is found in the Arkansas Code, Annotated, Section 8-7-201, et seq.

Proposed revisions to Regulation 23 include incorporation of recent changes of federal hazardous waste regulations, as well as proposed changes initiated by the ADEQ.

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.
- 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 www.adeg.state.ar.us.

Copies of the proposed changes to Regulation 23 are available for public inspection during regular business hours at the ADEQ's Public Outreach and Assistance (POA) Division on the second floor of the ADEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118, or at ADEQ information depositories located in public libraries at 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; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; or in the Arkansas State Library located on the State Capitol grounds at Little Rock.

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.

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