

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____



ARKANSAS ENERGY & ENVIRONMENT

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

The Division of Environmental Quality (DEQ) has proposed amendments to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 27 (“Licensing of Operators of Solid Waste Management Facilities and Training and Certification Requirements for Environmental Officers”) pursuant to Arkansas Code Annotated § 8-1-203. 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 Ark. Code Ann. § 8-6-2006, Ark. Code Ann. § 8-6-2007(a), Ark. Code Ann. § 8-6-905, and APC&EC Regulation 8, 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 April 11, 2022. All comments should be sent to Beth Thompson at the address below.

Full and complete copies of the proposed changes to Rule 27 are available for inspection and review after making an appointment during regular business hours at the DEQ headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. The proposed rule changes are also available at DEQ 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; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

A public hearing will be held on March 28, 2021, beginning at 1:00 p.m., Central Time, to accept comments on the proposed amendments to Rule 27, “Licensing of Operators of Solid Waste Management Facilities and Training and Certification Requirements for Environmental Officers.” The hearing will be held in the Commission Room at the Department of Energy and Environment 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/channel/UCMr_txISHivnxRjg3dmOZ0A. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date.

Participation may be in person or through the Zoom virtual meetings platform. Written and oral statements may be submitted regarding the proposed rulemaking to the Presiding Officer for consideration at the Public Hearing. Persons wishing to be recognized to make an oral comment in person must pre-register by leaving a voicemail at 501-682-0907, or emailing thompsonb@adeq.state.ar.us before 4:00 p.m., Central Time, on the day before the hearing. The number of participants in the Commission Room at one time will be limited to ensure appropriate physical distancing. Persons wishing to be recognized to make an oral comment

through the Zoom virtual meetings platform during the public hearing must be placed on a “virtual sign-in list” by leaving a voicemail at 501-682-0907 or emailing thompsonb@adeq.state.ar.us before 4:00 p.m., Central Time, on the day before the hearing. Persons attending via the Zoom virtual meetings platform may participate using a telephone or internet audio. The Zoom information will be provided to those persons on the virtual sign-in list. A request to be included on the list of commenters must include the name and mailing address of the individual requestor or commenter and, for those wishing to comment via Zoom using telephone access, the commenter’s phone number.

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., Central Time, April 11, 2022. Written comments should be delivered or mailed to: Beth Thompson, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118. Submit electronic comments on the proposed rule amendments: comment@adeq.state.ar.us.

Proposed revisions to Rule 27 are necessary in order to promulgate new mandated rules for DEQ’s administration of the Environmental Compliance Resource Program, new mandatory rules for DEQ’s administration of the licensing program for solid waste management facility operators, new mandatory rules for the licensing requirements of environmental officers, and new mandatory rules for the licensing requirements of solid waste management facility operators. Specific changes in the rule through these amendments include: the definitions of “Environmental Officer” and “Environmental violation” that are amended to include references to open burning violations and all violations of Title 8, Chapter 6; fees for the solid waste management facility operator licensing program will now be paid on a biennial basis and licensing rules are amended to change the licensing periods from a fiscal year to a calendar year; all solid waste management facility operator licenses are renewable and require 12 hours of continuing education training biennially for renewal; environmental officer and solid waste management facility operator license reciprocity is granted if an out of state program has “substantially equivalent” licensing requirements; requirements for provisional status and reinstatement of solid waste management facility operator licenses and environmental officer licenses are added-- this includes amending the rule regarding operator licensing and reducing the period that an operator can recover a lapsed license without taking an examination, with the time period reduced from one (1) year to three (3) months; changes to Appendix C and the Uniform Environmental Officer citation were made so that Environmental Officers can now cite violations for open burning and any violation of title 8, chapter 6; Class C solid waste management facility operator licenses now require 30 course hours of training for qualification; and apprenticeship rules are amended so that Class 1A, Class 2A, and Class 3A apprenticeship licenses are now renewable. Additional non-substantive revisions are proposed throughout Rule 27 for consistency and clarity.

A complete listing of the proposed changes to Rule 27 can be found on the Draft Regulations page of the DEQ’s website: https://www.adeq.state.ar.us/regs/draft_regs.aspx under APC&EC Docket No. 22-001-R.

The deadline for submitting written comments on the proposed rule revisions is 4:30 p.m., Central Time, April 11, 2022.

Published March 5th and 6th, 2022.

Julie Linck, Chief Administrator of Environment,
Department of Energy and Environment