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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Solid Waste Management Division
DIVISION DIRECTOR Mike Robinson, Chief
CONTACT PERSON Anne Weinstein
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72218-5317
PHONE NO. 501-682-0743 FAX NO. 501-682-0891
E-MAIL Weinstein@adeq.state.ar.us

INSTRUCTIONS

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

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

1. What is the short title of this rule? Regulation No. 11: Regulations for Solid
Waste Disposal Fees; Landfill Post-Closure Trust Fund; and Recycling Grants
Program

2. What is the subject of the proposed rule? Landfill Post-Closure Trust Fund

3. Is this rule required to comply with federal statute or regulations? Yes___X
   No ______
   If yes, please provide the federal regulation and/or statute citation.
   Section 47 Act 1281 of 2007

4. Was this rule filed under the emergency provisions of the Administrative
   Procedure Act? Yes____X No_____
   If yes, what is the effective date of the emergency rule?
When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes____ No____

5. Is this a new rule? Yes____ No_X__ If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes____ No_X__ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes_X__ No____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Section 47 of Act 1281 of 2007.

7. What is the purpose of this proposed rule? Why is it necessary? The amendment incorporates legislative changes requiring the Arkansas Pollution Control and Ecology Commission to prioritize and authorize by Minute Order expenditures from the Landfill Post-closure Trust Fund, in excess of $50,000 per site, for corrective action to remedy environmental impacts closed disposal sites previously operated as a landfill pursuant to state law.

8. Will a public hearing be held on this proposed rule? Yes_X__ No

If yes, please complete the following:
Date: August 21, 2008
Time: 2:00 p.m.
Place: APC&EC Commission Room, 5301 Northshore Drive, North Little Rock, AR
9. When does the public comment period expire for permanent promulgation?  
   **September 3, 2008**

10. What is the proposed effective date of this proposed rule?  **October 24, 2008**

11. Do you expect this rule to be controversial? Yes _____ No _____X____ If yes, please explain.

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

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT  Arkansas Department of Environmental Quality
DIVISION  Solid Waste Management Division
PERSON COMPLETING THIS STATEMENT  Anne Weinstein
TELEPHONE NO.  682-9743  FAX NO.  682-9891
EMAIL: weinstein@adeq.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE  Regulation No. 11: Regulations for Solid Waste Disposal Fees; Landfill Post-Closure Trust Fees; Illegal Dumps Program; and Recycling Grants Program

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
   Yes _____  No _____  X _________

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibitive, please explain.

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program. Not applicable.

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<th>Current Fiscal Year</th>
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<td>General Revenue</td>
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4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation, and explain how they are affected.

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<th>Current Fiscal Year</th>
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<td>None</td>
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5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

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MEMORANDUM

TO: MIKE ROBINSON
CHIEF, SWM DIVISION

THROUGH: MARK FERGUSON
CHIEF, LEGAL DIVISION

FROM: ANNE WEINSTEIN
STAFF ATTORNEY, LEGAL DIVISION

DATE: JUNE 11, 2008

RE: ANALYSIS OF PROPOSED CHANGES
FOR REGULATION NO. 11

Pursuant to Act 143 of 2007, a determination must be made whether or not the proposed changes to Regulation No. 11 will affect small business.

The proposed amendment incorporates legislative changes requiring the Arkansas Pollution Control and Ecology Commission to prioritize and authorize by Minute Order expenditures from the Landfill Post-closure Trust Fund, in excess of $50,000 per site, for corrective action to remedy environmental impacts closed disposal sites previously operated as a landfill pursuant to state law.

This provision will not have an affect on small business. Further, Act 143 of 2007 exempts from the required analysis rules that “substantially codify existing state or federal law.” Since the change proposed in this rulemaking codifies into the regulation new state law as outlined above, this rulemaking should be exempt from the analysis required in Act 143 of 2007.
ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS

Answer to best of the proponent's ability, as required by APC&EC Regulation 8, Chapter 3.5

STEP 1: DETERMINATION OF ANALYSIS REQUIREMENT
(to be included in petition to initiate rulemaking)

APC&EC REGULATION NO. 11
REGULATIONS FOR SOLID WASTE DISPOSAL FEES; LANDFILL POST-CLOSURE TRUST FEES; ILLEGAL DUMPS PROGRAM AND RECYCLING GRANTS PROGRAM JUNE 2008 UPDATE

1A. Is the proposal expressly addressed by a Federal requirement? No.

   If yes, see 1B.
   If no, an Economic Impact/Environmental Benefit Analysis is not required.

1B. If 1A is YES, is proposed regulation equivalent, or more stringent, or less stringent than federal requirement? N/A

   • If equivalent - Economic Impact/Environmental Benefit Analysis is not required
   • If more stringent - Economic Impact/Environmental Benefit Analysis is required
   • If less stringent - Economic Impact/Environmental Benefit Analysis is not required, but does require federal agency approval prior to adoption if the proposal is part of an authorized state program.

STEP 2: THE ANALYSIS
(to be included in petition to initiate rulemaking, if required)

2A. ECONOMIC IMPACT

Not Required.

2B. ENVIRONMENTAL BENEFIT

Not Required.