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

DEPARTMENT/AGENCY  Arkansas Department of Environmental Quality
DIVISION  Hazardous Waste Division
DIVISION DIRECTOR  Clyde Rhodes
CONTACT PERSON  Ryan Benefield, Deputy Director
ADDRESS  5301 Northshore Drive, North Little Rock, AR 72118
PHONE NO:  (501) 682-0831  FAX NO:  (501) 682-0565  E-MAIL:  rhodes@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
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

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1. What is the short title of this rule?

APC&EC Regulation No. 23, 2009 Annual Update

2. What is the subject of the proposed rule?

Hazardous Waste Management

3. Is this rule required to comply with a federal statute, rule, or regulation?
Yes XX No ______

If yes, please provide the federal rule, regulation, and/or statute citation.
40 CFR Part 271
4. **Was this rule filed under the emergency provisions of the Administrative Procedure Act?** Yes____ No XX____

If yes, what is the effective date of the emergency rule? N/A
When does the emergency rule expire? N/A

**Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?** Yes____ No______ N/A

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

**Does this repeal an existing rule?** Yes ____ No XX____ If yes, a copy of the repealed rule is to be included with your completed questionnaire.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 XX 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.”

Mark-up attached as Exhibit “A” to the rulemaking packet. A summary of each revision is provided in the petition in the rulemaking packet.

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

   Arkansas Hazardous Waste Management Act, A.C.A. §§ 8-7-209(b)(1)
   Arkansas Remedial Action Trust Fund Act, A.C.A. §§ 8-7-506

7. **What is the purpose of this proposed rule? Why is it necessary?**

Adopts newly-revised federal rules published between December 31, 2007 and June 30, 2009; makes editorial revisions to existing provisions, and removes regulatory language which was moved to Regulation No. 30 during 2008. Revisions are necessary to keep the state hazardous waste regulations current with the corresponding federal requirements.

8. **Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).**

   [http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm](http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm)

9. **Will a public hearing be held on this proposed rule?** Yes XX____ No______
If yes, please complete the following:
   **Date:** October 29, 2009
Time: 2:00 p.m.

Place: at the Department headquarters at 5301 Northshore Drive, North Little Rock.

10. When does the public comment period expire for permanent promulgation? (Must provide a date.) 4:30 p.m., November 12, 2009

11. What is the proposed effective date of this proposed rule? (Must provide a date.) February, 2010 (10 business days following filing of the rulemaking decision with the office of the Secretary of State, after January 30, 2010 APC&E Commission meeting)

12. Do you expect this rule to be controversial? Yes ____ No __XX__ If yes, please explain.

13. 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.

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<tr>
<th>NAMES, ADDRESSES, &amp; PHONE NUMBERS</th>
<th>FOR</th>
<th>AGAINST</th>
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<tbody>
<tr>
<td>Arkansas Environmental Federation, 1400 W. Markham Street, Suite 302, Little Rock, AR 72201, (501) 374-0263</td>
<td>X</td>
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