

US EPA ARCHIVE DOCUMENT

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STATE LEGISLATION CHECKLIST

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

LEGISLATION CITED:

Arkansas Hazardous Waste Management Act (Act 406 of 1979, as amended), Ark. Code Ann. §§ 8-7-201 *et seq.*, enacted and effective March 14, 1979.

Arkansas Resource Reclamation Act, (Act 1098 of 1979, as amended), Ark. Code Ann. §§ 8-7-301 *et seq.*, effective July 1, 1979.

Arkansas Emergency Response Fund Act (Act 452 of 1985, as amended), Ark. Code Ann. §§ 8-7-401 *et seq.*, enacted and effective March 20, 1985.

Arkansas Remedial Action Trust Fund Act (Act 479 of 1985, as amended), Ark. Code Ann. §§ 8-7-501 *et seq.*, enacted and effective March 21, 1985.

Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended), Ark. Code Ann. §§ 8-2-101 *et seq.*, enacted and effective March 29, 1949.

Reviewed by: _____

Date: _____

STATUTORY ELEMENT	STATE CITE	COVERAGE	
		YES/NO?	COMMENT

DEFINITIONS

The State needs the authority to define the following terms in a manner at least as stringent than the Federal Program. If definitions of these terms appear in State statutes, they must be at least as stringent as the analogous Federal statutory or regulatory definition.

Disposal	ACA § 8-7-203(4)	Y	
Generator	N/A	N	Regulatory definition
Hazardous Waste	ACA § 8-7-203(6)	Y	
Manifest	ACA § 8-7-203(8)	Y	
Person	ACA § 8-7-203(9)	Y	
Storage	ACA § 8-7-203(10)	Y	
Transport	ACA § 8-7-203(11)	Y	
Treatment	ACA § 8-7-203(12)	Y	
Treatment, Storage, or Disposal Facility	ACA § 8-7-203(14)	Y	
Waste (Solid)	ACA § 8-6-203(4)	N	Covers Subtitle D waste only. Subtitle C definition incorporated in regulations

HAZARDOUS WASTE IDENTIFICATION AND LISTING - [See 40 CFR 271.9]

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
Authority for:			
1. HW Characteristics	ACA § 8-7-209(4)	Y	
2. HW List	ACA § 9-7-209(4)	Y	

STANDARDS FOR GENERATORS - [See 40 CFR 271.10]

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
Authority to promulgate regulations on:			
1. ID Numbers	ACA § 8-7-208; § 8-7-209(5)	Y	
2. Requiring generator to determine whether waste is hazardous	ACA § 8-7-209(5); § 8-7-209(11)	Y	
3. Recordkeeping practices	" "	Y	
4. Packaging, labeling, marking, and placarding practices	" "	Y	
5. Use of appropriate containers	" "	Y	
6. Furnishing information	" "	Y	
7. Use of manifest consistent with DOT and EPA	" "	Y	
8. International shipments	" "	Y	
9. Designation of and delivery to permitted facilities	" "	Y	
10. Investigation of unreturned shipments	" "	Y	
11. Submission of reports	" "	Y	

STANDARDS FOR TRANSPORTERS - [See 40 CFR 271.11]

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
Authority to promulgate regulations on:			
1. ID Numbers	ACA § 8-7-209(5); § 8-7-209(11)	Y	

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
2. Recordkeeping	ACA § 8-7-209(5); § 8-7-209(11)	Y	
3. Labeling	" "	Y	
4. Compliance with manifest system	" "	Y	
5. Spill notification	" "	Y	
6. Spil cleanup	" "	Y	
7. Transportation to permitted facility	" "	Y	
8. Consistency with DOT regulations.	" "	Y	

STANDARDS FOR HW STORAGE, TREATMENT, and DISPOSAL FACILITIES - [See 40 CFR 271.12]

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
Authority to promulgate regulations on:			
1. ID Numbers	ACA § 8-7-209(5), (6), and (11)	Y	
2. Recordkeeping	" "	Y	
3. Reporting	" "	Y	
4. Monitoring	" "	Y	
5. Inspecting	" "	Y	
6. Compliance with manifest system	" "	Y	
7. Operating methods	" "	Y	
8. Location, design, construction	" "	Y	
9. Contingency plans	" "	Y	
10. Training	" "	Y	
11. Ownership	" "	Y	
12. Closure and post-closure activities	" "	Y	

13. Continuity of operations " " Y

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
14. Financial responsibility	" "	Y	
15. General Conditions (see 40 CFR 270.30)	" "	Y	

PERMITS FOR HW STORAGE, TREATMENT, AND DISPOSAL FACILITIES - [See 40 CFR 271.15 and 271.13]

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
1. Require permits for owners and operators of all TSD facilities	ACA § 8-7-209(6); §§ 8-7-215 - 8-7-222	Y	
2. Impose construction ban	" "	Y	
3. Prohibit operation of facilities without permits	" "	Y	
4. Require permit applicant information	" "	Y	
5. Require permits to contain all technical and administrative standards	" "	Y	
6. Provide for permit modifications and termination (revocation)	" "	Y	
7. Allow public disclosure of name and address of permit applicants and permittees	" "	"	

PUBLIC PARTICIPATION

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
Authority to provide:			
1. Draft permit, fact sheet, etc.	ACA § 8-7-217	Y	
2. Notice of all draft permits by radio broadcasts and notices in newspapers, etc.	" "	Y	
3. 45-day public comment period on all draft permits	" "	Y	
4. Informal hearing with written notice of opposition	" "	Y	

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|---|-----|---|
| 5. Consideration of and response to public comments | " " | Y |
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INSPECTIONS

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
1. Right to enter, inspect, and obtain samples (at all regulated premises and where records are kept)	ACA § 8-7-209(7)	Y	

ENFORCEMENT - [See 40 CFR 271.16]

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
Authority to:			
1. Immediately restrain unauthorized activity	ACA §§ 8-7-209(1), (8), (9); 8-7-214	Y	
2. Sue to enjoin any threatened or continuing program violation without prior revocation of permit	" "	Y	
3. Obtain civil penalties for any violation (maximum no less than \$10K per day)	ACA § 8-7-214 <i>w/very</i>	Y	
4. Obtain criminal penalties for specified violations (maximum no less than \$10K per day and imprisonment with maximum no less than six months); burden of proof no greater than under federal law	ACA § 8-7-204	Y	
5. Allow intervention (See 40 CFR 271.16(d))	ACA § 8-7-204(9); § 8-7-214	Y	

MISCELLANEOUS

STATUTORY ELEMENT	STATE CITE	COVERAGE YES/NO?	COMMENT
1. Authority to share all information with EPA	ACA § 8-7-308(1)	Y	
2. Variance and waiver provisions	ACA § 8-7-211	Y	
3. Importation ban	N/A	N	
4. Exemptions	N/A	N	

5. Siting

ACA § 8-7-223

Y