

US EPA ARCHIVE DOCUMENT

ATTACHMENT 3

PROGRAM DESCRIPTION
STATE AGENCY RESPONSIBILITIES
(40 CFR 271.6(b))

Organization and Structure of the Hazardous Waste Program

Identification of State agency(ies) responsible for administering program

Arkansas' Hazardous Waste Management program is administered by the Hazardous Waste Division of the Arkansas Department of Environmental Quality, and incorporates not only the state's equivalent of the federal RCRA hazardous waste program, but a hazardous substance site remedial action program similar to the federal Superfund program. Administration of the RCRA portion of the Arkansas Hazardous Waste Management Program involves approximately \$3.2 million annually, and 30 man-years of effort.

The Hazardous Waste Division of ADEQ administers the State's hazardous waste program under authority of the Arkansas Hazardous Waste Management Act, the Resource Recovery Act, the Remedial Action Trust Fund Act, and the Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 23 (Hazardous Waste Management). The Hazardous Waste Division has primary responsibility within the Arkansas Department of Environmental Quality for administering the hazardous waste permitting, corrective action, and enforcement authority delegated by EPA under RCRA. The Division additionally is responsible for the Department's hazardous waste cleanup activities under the Federal "Superfund" act and the corresponding State statutes.

State agency(ies) responsible for administering program revisions

Revisions to the Arkansas hazardous waste management program will be administered and implemented by the Hazardous Waste Division of the Arkansas Department of Environmental Quality.

Structure of the Department of Environmental Quality

The Arkansas Department of Environmental Quality, or "ADEQ", is the state agency with primary responsibility for environmental regulation in Arkansas, including regulation of the management of hazardous wastes and substances. The ADEQ offices are located in a seven-building complex approximately one-half mile southeast of the intersection of Interstate 30 and Geyer Springs Road in southwest Little Rock. The Department's mailing address and telephone number are:

Arkansas Department of Environmental Quality
8001 National Drive
P.O. Box 8913
Little Rock, Arkansas 72219-8913

Telephone: (501) 682-0744
FAX: (501) 682-0880

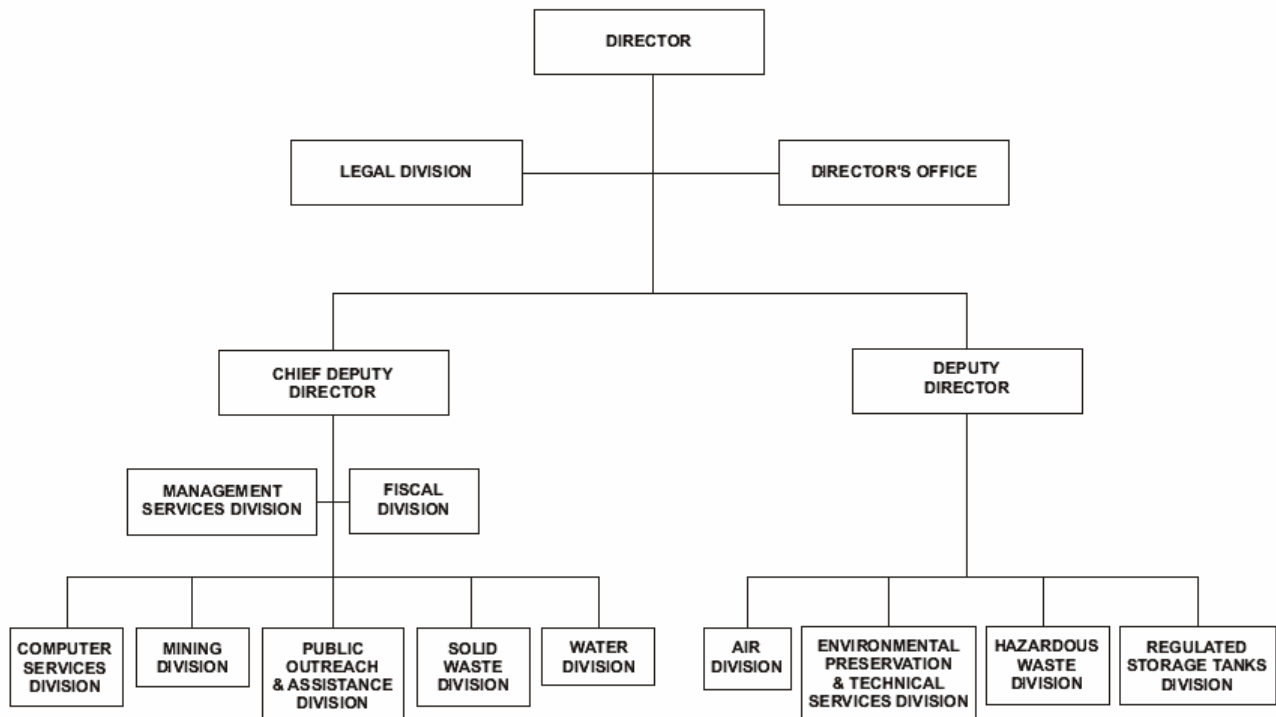
Additionally, information about the Department and its programs may be accessed via the World Wide Web on the Internet at

<http://www.adeg.state.ar.us>.

ADEQ consists of six media divisions which administer the State's air pollution control, water quality, solid waste, hazardous waste, regulated storage tank, and mining programs, and six non-regulatory divisions, which implement state assistance programs or provide legal, administrative, or technical support to the Department as a whole. The Department's structure is shown below:

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

Organizational Chart



ADEQ's Mission Statement:

"To protect, enhance and restore the natural environment for the well-being of all Arkansans."

Who We Are and What We Do

The Director's Office

The ADEQ is administered by a Director, who is nominated and confirmed by the Governor, with the consent of the State Senate. The Director serves an indefinite term at the pleasure of the Governor, and the Director is a full cabinet-level officer in the Governor's administration. The Director, with the advice and consent of the Governor, appoints all ADEQ deputy directors and division chiefs. All other ADEQ employees are employed by, and serve at the pleasure of, the Director, subject only to applicable civil service limitations. The Director is declared by statute to be the chief executive officer and active administrator of all environmental management and pollution control activities of the Department.

The Director of the ADEQ is Marcus C. Devine. Mr. Devine has been the Director of ADEQ since 2002.

The Chief Deputy Director and Deputy Director assist in administering the Department. Mary Leath, Chief Deputy Director, oversees the Water, Solid Waste, and Mining Divisions and the non-regulatory divisions of Computer Services, Public Outreach and Assistance, Fiscal, and Management Services. Job Serebrov, Deputy Director, oversees the Air, Hazardous Waste, Regulated Storage Tanks, and Environmental Preservation and Technical Services Divisions.

With respect to the hazardous waste management program, the Department is charged under state law (A.C.A. §§ 8-7-209) with the following responsibilities:

- (1) To administer and enforce all laws, rules, and regulations regarding hazardous waste management;
- (2) To conduct and publish such studies of hazardous waste management in this state as shall be deemed appropriate including, but not limited to:
 - A description of the sources of hazardous waste generated within the state;
 - Information regarding the types and quantities of such waste; and
 - A description of current hazardous waste management practices and costs including treatment, recovery, and disposal;
- (3) To develop, publish, and implement plans in accordance with the provisions of this subchapter for the safe and effective management of hazardous wastes within this state including, but not limited to the establishment of criteria for the identification of those locations within the state which are suitable and/or unsuitable for establishment of hazardous waste treatment or disposal facilities or sites;
- (4) To establish criteria for determination of whether any waste or combination of wastes is hazardous for purposes of this subchapter and to identify and specify wastes or combination of wastes as being hazardous;
- (5) To issue, continue in effect, revoke, modify, or deny, under such conditions as it may prescribe, permits for the establishment, construction, operation, or maintenance of hazardous waste treatment, storage, or disposal facilities or sites, as more particularly prescribed by A.C.A. §§ 8-7-215 – 8-7-222;
- (6) To make such investigations and inspections and to hold such hearings, after notice, as it may deem necessary or advisable for the discharge of its duties under this subchapter and to ensure compliance with this subchapter and any orders, rules, and regulations issued pursuant thereto;

(7) To make, issue, modify, revoke, and enforce orders, after notice and hearing, prohibiting violation of any of the provisions of this subchapter, or of any rules and regulations issued pursuant thereto or any permit issued there under, and requiring the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of this subchapter;

(8) To institute proceedings in the name of the department in any court of competent jurisdiction to compel compliance with, and to restrain any violation of the provisions of this subchapter, or any rules, regulations, and orders issued pursuant thereto, or any permit issued there under; and require the taking of such remedial measures as may be necessary or appropriate to implement or effectuate the provisions and purposes of this subchapter. In any civil action in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the requested relief not be granted, nor that the remedy at law is inadequate;

(9) To initiate, conduct, and support research, demonstration projects, and investigations, and coordinate all state agency research programs pertaining to hazardous waste management, and establish technical advisory committees to assist in the development of procedures, standards, criteria, and rules and regulations, the members of which may be reimbursed for travel expenses;

(10) To establish policies and standards for effective hazardous waste management; and

(11) To establish standards and procedures for the certification of personnel to operate hazardous waste treatment or disposal facilities or any commercial hazardous waste management facilities.

In addition to the powers listed above, the Department has and may use in the administration and enforcement of the hazardous waste program all of the powers which it has under any other laws administered by it, including the Arkansas Water and Air Pollution Control Act, § 8-4-101 *et seq.*, and the Arkansas Solid Waste Management Act, § 8-6-201 *et seq.*

The Arkansas Pollution Control and Ecology Commission

The Arkansas Pollution Control and Ecology Commission is the environmental policy-making body for Arkansas. With guidance from the Governor, the Legislature, the EPA and others, the Commission determines the environmental policy for the state and the Arkansas Department of Environmental Quality implements those policies. The Commission was first established in 1949 as part of the Arkansas Water Pollution Control Act (Act 472 of 1949). Since that time, it has undergone significant changes — including a reorganization in 1991.

The Commission is comprised of 13 members, six representing state agencies and seven appointed by the Governor. The six agency representatives are directors — or their designee — of the:

- Arkansas Department of Health;
- Arkansas Game and Fish Commission;
- Arkansas Forestry Commission;
- Arkansas Natural Resource Commission;
- Arkansas Oil and Gas Commission; and the
- Arkansas Geological Commission.

The seven other members of the Commission represent each of the four congressional districts in the state. Each district must have at least one representative on the Commission, but there may be no more than two representatives from the same congressional district.

The current composition of the Commission is shown below:

Commission Members:

Name	Agency or District	Phone/Fax	Address
Ephrain Valdez - Chair Term Expires: 3/29/2010	Appointed: 2002 Reappointed: 03/16/06	(501) 804-2187 Fax: (501) 378-2249	445 Louise Lane Conway, AR 72034
Dana Samples - Vice Chair Term Expires: 3/29/2009	Appointed: 3/28/05	(479) 750-8830 Fax: (479) 750-8829	4827 Madison 6060 Huntsville, AR 72470
Bootsie Ackerman Term Expires: 8/1/2007	Appointed: 1999 Reappointed: 2003	(479) 582-5000 Fax: (479)582-5500	P.O. Box 1544 Fayetteville, AR 72702
Lawrence Bengal	Arkansas Oil and Gas Commission (Director)	(870) 862-4965 Fax: (870) 862-8823	2215 West Hillsboro El Dorado, AR 71731
Scott Henderson	Arkansas Game & Fish Commission (Director)	(501) 223-6305 Fax: (501) 223-6448	2 Natural Resources Dr Little Rock, AR 72205
Charles McGrew	Arkansas Department of Health	(501) 661-2111 Fax: (501) 671-1450	4815 W Markham St Slot 55 Little Rock, AR 72205
Randy Quillin Term Expires: 3/29/2007	Appointed: 4/16/2003	(870) 777-9261 Fax: (870) 777-0588	511 Princeton Dr Hope, AR 71801
Thomas Schueck Term Expires: 3/29/2009	Appointed: 1997 Reappointed: 2001	(501) 490-4200 Fax: (501) 490-4411	PO Box 16390 Little Rock, AR 72221
John T. Shannon	Arkansas Forestry Commission (Director)	(501) 296-1940 Fax: (501) 296-1949	3821 W Roosevelt Rd Little Rock, AR 72204
Lynn Sickel Term Expires: 3/29/2010	Appointed: 1998 Reappointed: 03/16/06	(870) 255-4689 Fax: (870) 255-3375	2653 Hwy 86E DeValls Bluff, AR 72041
William Thompson Term Expires: 3/29/2007	Appointed: 2001 Reappointed: 2003	(501) 982-3746 Fax: (501) 982-7799	8713 Jacksonville Hwy North Little Rock, AR 72117
Bekki White	Arkansas Geological Commission (Director)	(501) 296-1877 Fax: (501) 663-7360	3815 W Roosevelt Rd Little Rock, AR 72204
Randy Young	Arkansas Natural Resource Commission (Director)	(501) 682-1611 Fax: (501) 682-3991	101 E Capitol Ave Ste 350 Little Rock, AR 72201

To assist the Commissioners (who serve only part-time) in day-to-day activities and administration, the Commission has two full-time employees: an administrative hearing officer and one secretaries.

By law, the Commission must meet four times each year. In practicality, they meet approximately once a month with the exception of November and December when there is a single meeting, generally on the first Friday of December.

The Commission is charged with the following powers and duties under state law (A.C.A. §§ 8-7-209 et seq.):

(1) To adopt, after notice and public hearing, and to promulgate, modify, repeal, and enforce rules and regulations regarding hazardous waste management as may be necessary or appropriate to implement or effectuate the purposes and intent of this subchapter and the powers and duties of the department under it including, but not limited to, rules and regulations for:

- The containerization and labeling of hazardous wastes, which rules, to the extent practicable, shall be consistent with those issued by the United States Department of Transportation, the United States Environmental Protection Agency, and the Arkansas Highway and Transportation Department;

- Establishing standards and procedures for the safe operation and maintenance of facilities;
 - Identifying those wastes or combination of wastes which are incompatible and which may not be stored or disposed of together and procedures for preventing the storage, disposal, recovery, or treatment of incompatible wastes together;
 - The reporting of hazardous waste management activities;
 - Establishing standards and procedures for the certification of supervisory personnel at hazardous waste treatment or disposal facilities or sites as required under § 8-7-219(3); and
 - Establishing a manifest system for the transport of hazardous waste and prohibiting the receipt of hazardous waste at storage, processing, recovery, disposal, or transport facilities or sites without a properly completed manifest;
- comment period, the Commission shall compile a rulemaking record or response to comments demonstrating a reasoned evaluation of the relative impact and benefits of the more stringent regulation;
- (2) Promulgation of rules, regulations, and procedures not otherwise governed by applicable law which the Commission deems necessary to secure public participation in environmental decision-making processes;
 - (3) Promulgation of rules and regulations governing administrative procedures for challenging or contesting department actions;
 - (4) In the case of permitting or grants decisions, providing the right to appeal a permitting or grants decision rendered by the director or his delegate;
 - (5) In the case of an administrative enforcement or emergency action, providing the right to contest any such action initiated by the director;
 - (6) Instruct the director to prepare such reports or perform such studies as will advance the cause of environmental protection in the state;
 - (7) Make recommendations to the director regarding overall policy and administration of the department, provided, however, that the director shall always remain within the plenary authority of the Governor; and
 - (8) Upon a majority vote, initiate review of any director's decision.

Commission Operations

The Commission sets forth its operating procedures and requirements for adjudicatory hearings and rulemaking in APC&EC Regulation No. 8 (Administrative Procedures). The Commission's rulemaking process for the amendment and update of the hazardous waste management program is codified at Section 3 of Regulation 8.

1. Divisions, program areas and subunits within the agency(ies)

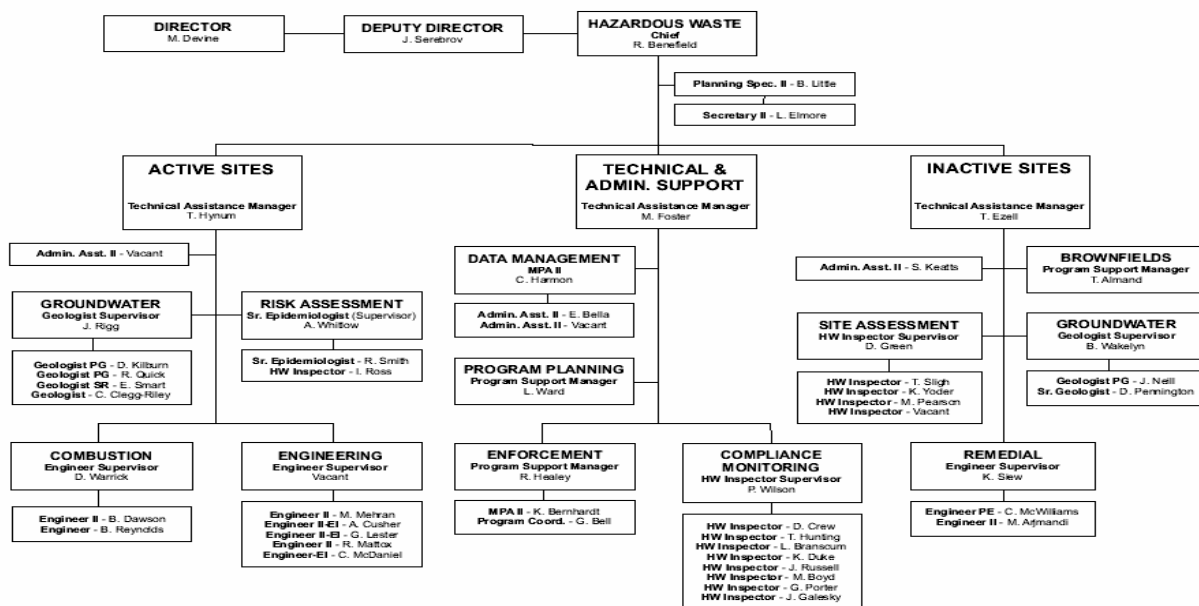
ADEQ’s Hazardous Waste Division (HWD) implements and administers the State’s hazardous waste management program under the authority of the Arkansas Hazardous Waste Management Act, the Remedial Action Trust Fund Act, the Voluntary Cleanup Act, and the APC&EC Regulation No. 23 (Hazardous Waste Management). The Division has primary responsibility within the ADEQ for administering the hazardous waste permitting, corrective action and enforcement authority delegated to the Department by EPA under the provisions of the federal Resource Conservation and Recovery Act. The HWD additionally is responsible for coordination and cooperation with EPA in implementing hazardous waste cleanup activities under the federal Superfund program, and for implementing the State cleanup and Brownfields redevelopment programs under the Arkansas Remedial Action Trust Fund and Voluntary Cleanup Acts.

The basic procedures for implementation and coordination of the authorized RCRA program with EPA Region VI are set forth in the State/EPA Memorandum of Agreement (“MOA”), the Multi-Year Enforcement Memorandum of Understanding (“Enforcement MOU”), and the current RCRA § 3011 cooperative agreement work plan (“grant workplan”).

The Chief of the Hazardous Waste Division is Ryan Benefield. Mr. Benefield was appointed Chief of the Hazardous Waste Division in June of 2006.

The Hazardous Waste Division is organized into three functional branches (Active Sites, Inactive Sites, and Technical & Administrative Support), and is authorized 55 employees. Current manning of the Division in July 2006 is 46 employees. The structure and manning of the Division is shown at below:

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY
Hazardous Waste Division Personnel Chart**



THIS PAGE LAST UPDATED: 07/05/06

The Active Sites Branch is responsible for all functions related to the regulation and monitoring of sites and facilities which are currently engaged in the management of hazardous wastes. Typically this branch conducts permitting and corrective or other remedial actions at currently operating waste management facilities. Active Sites Branch additionally provides risk assessment and analysis functions as well as risk management assistance in support of both the Active Sites and Inactive Sites branches, as well as to the Department's other divisions which conduct risk-based corrective or remedial actions.

The Inactive Sites Branch coordinates and implements remedial actions at abandoned hazardous substance sites under the provisions of the Arkansas Remedial Action Trust Fund Act (RATFA), the state's Voluntary Cleanup ("Brownfields") program, and coordinates with the U.S. Environmental Protection Agency to implement the federal CERCLA ("Superfund") program for sites in Arkansas.

The Technical and Administrative Support Branch is responsible for compliance monitoring and inspections (including the receipt and investigation of citizen complaints), coordinating and implementing all enforcement actions dealing with hazardous wastes or hazardous substances as well as data and information management, program planning, and general administration and support to the entire Hazardous Waste Division.

2. Division of responsibilities among State agencies

ADEQ has primary responsibility for managing RCRA hazardous wastes in Arkansas. The Department shares portions of these responsibilities with two external agencies.

The Arkansas Highway Police, a division of the Arkansas Highway and Transportation Department, issues and monitors hazardous waste transportation permits for persons transporting hazardous wastes on the public streets or highways. Transporters must obtain an EPA identification number from ADEQ, and subsequently apply to the Arkansas Highway Police for the hazardous waste transporter permit. An annual \$50.00 application fee is assessed.

The Division of Radiation Control and Emergency Management of the Arkansas Department of Health and Human Services has jurisdiction over the radioactive components of mixed hazardous waste, while ADEQ regulates the hazardous components. Handlers of radioactive mixed waste in Arkansas are thus subject to both the radiation control requirements of the Division of Health and the RCRA waste management requirements of APC&EC Regulation No. 23.

- ***Procedures for Coordination Among Agencies***

The ADEQ maintains a memorandum of agreement and an active working relationship with the Arkansas Highway Police for regulation of hazardous waste transportation. Additionally, the Department has entered into a memorandum of agreement with the Arkansas Department of Health and Human Services for the regulation and management of radioactive mixed wastes.

- *Division of Responsibility Between the ADEQ and EPA*

A 1994 Memorandum of Agreement between ADEQ and EPA sets forth each agency's responsibilities. Additionally, ADEQ and EPA operate under a 1994 Enforcement Memorandum of Understanding that further clarifies the compliance monitoring and enforcement responsibilities of each agency.

STAFFING AND FUNDING RESOURCES (40 CFR 271.6(b)(1)-(3))

1. *Description of Staffing of the ADEQ*

Administration of the RCRA portion of the Arkansas Hazardous Waste Management Program involves approximately \$3.2 million annually, and 30 man-years of effort. No separate estimate is made of the cost of implementing the revisions in this application alone.

DIVISION CHIEF: The Chief of the Hazardous Waste Division works under general direction from the Deputy Director and is responsible for planning, coordinating, and directing all operations of the Hazardous Waste Division. The Chief is accountable for directing the activities of the three Branches of the Division both internally and externally. The Chief has regular contact with department personnel, state and federal agency personnel, private company representatives, legal professionals, and the general public.

PLANNING SPECIALIST II: The Planning Specialist II works directly for the Chief of the Hazardous Waste Division and is responsible for the Division's timekeeping; tracking of purchasing; and researching, monitoring, and evaluating special projects assigned by the Chief.

Active Sites Branch

TECHNICAL ASSISTANCE MANAGER: The Technical Assistance Manager serves as the Active Sites Branch Manager. The manager coordinates and negotiates with EPA on grant commitments (MOU, grant workplans, etc.). The Active Sites Branch houses all functions related to the regulation and monitoring of sites and facilities currently engaged in hazardous waste management. Typically this Branch is involved in Permitting and Corrective Action actions, as well as the Risk Assessment Evaluations of all hazardous waste and substance sites. This Branch also provides risk assessment support to the other media divisions within ADEQ. The Technical Assistance Manager reports directly to the chief of the Hazardous Waste Division.

ADMINISTRATIVE ASSISTANT II: The Administrative Assistant II provides administrative support to the Active Sites Branch and the Division.

Groundwater Section:

The Groundwater section is responsible for groundwater monitoring compliance and provides geological and groundwater technical consultation, and the evaluation of hydrogeologic assessments and groundwater monitoring systems at hazardous waste sites. Comprehensive groundwater monitoring evaluations and operation and maintenance inspections are performed regularly at hazardous waste facilities. It consists of a Geology Supervisor, two Geologist P.G.s, one Senior Geologists, and one Geologist.

The Groundwater section, through cooperation with the engineering, risk assessment, compliance monitoring, and enforcement staff, reviews:

- RCRA Facility Investigation workplans and reports
- Corrective Measures Study workplans and reports

- Corrective Measures Implementation workplans and reports
- Facility Investigations required by Consent Administrative Orders

The Groundwater Section and also conducts Comprehensive Monitoring Inspections, oversight visits and other field/review activities, as needed.

GEOLOGY SUPERVISOR: The Geology Supervisor serves as the supervisor of the Groundwater Section and provides technical review and quality control of groundwater studies done in support of permitting efforts, corrective actions, inspections, and management assistance sites. The Geology Supervisor reports directly to the Active Sites Branch Manager.

PROFESSIONAL GEOLOGIST: Geologist responsible for groundwater surveys, investigation, and technical duties for permitting efforts, corrective actions, inspections, and management assistance sites. Performs and assesses Comprehensive Groundwater Monitoring Evaluations (GMEs) and Operations and Monitoring inspections (O&Ms).

SENIOR GEOLOGIST: Geologist responsible for groundwater surveys, investigation, and technical duties for permitting efforts, corrective actions, inspections, and management assistance sites. Performs and assesses Comprehensive Groundwater Monitoring Evaluations (CMEs) and Operations and Monitoring inspections (O&Ms).

GEOLOGIST: Geologists responsible for groundwater surveys, investigation, and technical duties for permitting efforts, corrective actions, inspections, and management assistance sites. Performs and assesses Comprehensive Groundwater Monitoring Evaluations (CMEs) and Operations and Monitoring inspections (O&Ms).

Engineering Section:

The Engineering Section is responsible for technical review of Permit applications, RCRA and RATFA corrective actions and enforcement actions, drafting and coordinating public notice of Permits and associated modifications. This section consists of an Engineer Supervisor and four Engineer IIs and one Engineer.

ENGINEER SUPERVISOR: The Engineer Supervisor supervises and coordinates the activities of the Engineering Section. The job duties include coordinating and negotiating with EPA on all grant commitments for permitting and corrective actions, and overseeing the work of the Engineers to ensure smooth, timely, and quality control processing of Permit applications and corrective action tasks. The Engineer Supervisor reports directly to the Active Sites Branch Manager.

ENGINEER II: The Engineer works under the direct supervision of the Engineering Supervisor in support of the hazardous waste treatment/storage/disposal facility permitting program and the HSWA corrective action program. Duties include engineering/technical reviews and oversight of hazardous waste management permit applications and environmental corrective action programs by regulated facilities, facilities under enforcement orders, and facilities under a Letter of Agreement.

ENGINEER: The Engineer works under the direct supervision of the Engineering Supervisor in support of the hazardous waste treatment/storage/disposal facility permitting program and the HSWA corrective action program. Duties include engineering/technical reviews and oversight of hazardous waste management permit applications and environmental corrective action programs by regulated facilities, facilities under enforcement orders, and facilities under a Letter of Agreement.

Combustion Section:

The Combustion Section is responsible for technical review of Permit applications and associated modifications, as well as drafting and coordinating public notice of Permits and modifications for Hazardous Waste Combustion facilities. The primary facility assigned to this section is the Pine Bluff Arsenal Chemical Demilitarization sites. This section consists of an Engineer Supervisor and two Engineers.

ENGINEER SUPERVISOR: The Engineer Supervisor supervises and coordinates the activities of the Combustion Section. The job duties include coordinating and negotiating with EPA on all grant commitments for permitting combustion sites and overseeing the work of the Engineers to ensure smooth, timely, and quality control processing of Permit applications and modifications. The Engineer Supervisor reports directly to the Active Sites Branch Manager.

ENGINEER: The Engineer works under the direct supervision of the Combustion Supervisor in support of the combustion hazardous waste treatment/storage/disposal facilities. Duties include engineering/technical reviews and oversight of hazardous waste management permit applications and modifications.

Risk Assessment Section:

SENIOR EPIDEMIOLOGIST SUPERVISOR: The Senior Epidemiologist serves as the supervisor and coordinates all the activities of the Risk Assessment Section. Other responsibilities include reviewing and evaluating risk assessments (human health and ecological) submitted to and/or conducted by the HWD in support of the RCRA Corrective Action, Remediation, MACT (combustion permitting), Brownfields, and Voluntary Cleanup programs. The Risk Assessment section also supports the ADEQ's Air Division in the review of RCRA/MACT Combustion Risk Assessments (Human Health & Ecological Risk) and other media divisions as necessary. The Senior Epidemiologist Supervisor reports directly to the Active Sites Branch Manager.

SENIOR EPIDEMIOLOGIST: The Senior Epidemiologist serves as a human health and ecological risk assessor in the Risk Assessment Section of the Active Sites Branch. This person reviews and evaluates risk assessments (human health and ecological) submitted to and/or conducted by the HWD in support of the RCRA Corrective Action, Remediation, MACT (combustion permitting), Brownfields, and Voluntary Cleanup programs, as well as offering risk related support to other medias as necessary.

HAZARDOUS WASTE INSPECTOR: This person conducts field research and sampling in support of risk evaluations conducted by the Hazardous Waste Division, and assists the Senior Epidemiologists in the conduct and review of risk assessments (human health and ecological) submitted to and/or conducted by the HWD in support of the RCRA Corrective Action, Remediation, MACT (combustion permitting), Brownfields, and Voluntary Cleanup programs, as well as offering risk related support to other media as necessary.

Technical and Administrative Support Branch

TECHNICAL ASSISTANCE MANAGER: The Technical Assistance Manager serves as the Technical and Administrative Support Branch Manager. The Technical and Administrative Support Branch provides compliance monitoring and inspection and enforcement functions for active waste management facilities, and common support functions (information management, regulatory development and interpretation, program planning and grant management and related financial functions) to the Active Sites Branch and Inactive Sites Branch. The manager coordinates and negotiates with EPA on grant commitments (MOU, grant workplans, etc.). The Technical Assistance Manager reports directly to the chief of the Hazardous Waste Division.

Compliance Monitoring Section:

INSPECTOR SUPERVISOR: The Inspector Supervisor serves as the supervisor for eight inspectors. The job duties include developing an annual inspection schedule, reviewing all Compliance Evaluation Inspections conducted by the inspectors, concur on all Waste Disposal Request Forms, log and track complaints, and provide technical assistance to the public. The Inspector Supervisor reports directly to the Technical and Administrative Support Branch manager.

HAZARDOUS WASTE INSPECTOR: (8 positions) The Hazardous Waste Inspector is responsible for conducting pre-inspections, on-site compliance evaluation inspections, complaint investigations, and providing technical assistance to the public. The inspector is responsible for documenting, reporting, sampling, and tracking all facilities and complaints assigned to him/her. One inspector performs full-time on-site inspection duties at the Teris, LLC commercial hazardous waste incineration facility in El Dorado; one inspector performs full-time on-site inspection duties at the Rineco fuel blending facility in Haskell; and one inspector performs full-time on-site inspection duties at the Pine Bluff Arsenal Chemical Demilitarization facility in Pine Bluff.

Enforcement Section:

PROGRAM SUPPORT MANAGER: The Program Support Manager determines the appropriate types of enforcement action regarding violations/violators, initiating, negotiating, and finalizing all formal enforcement actions for the Hazardous Waste Division. The Enforcement Manager must also coordinate all enforcement actions through the Legal Division and Director's office.

PROGRAM COORDINATOR: The Program Coordinator works under the supervision of the Enforcement Branch Manager as the enforcement case worker, drafting and preparing all formal enforcement documents such as notices of violation (NOV) and consent administrative orders (CAO); assisting the Branch Manager and Legal staff in service and settlement negotiations, and tracking the status and disposition of all open and pending enforcement cases.

MANAGEMENT PROJECT ANALYST II The Management Project Analyst II works under the supervision of the Enforcement Branch Manager and in coordination with the Management Project Analyst as the enforcement case worker, drafting and preparing all formal enforcement documents such as notices of violation (NOV) and consent administrative orders (CAO); assisting the Branch Manager and Legal staff in service and settlement negotiations, and tracking the status and disposition of all open and pending enforcement cases.

Program Planning Section:

The Program Planning Section consists of a Program Support Manager and Administrative Assistant I, and is responsible for developing the State hazardous waste regulations and programs, ensuring their equivalency to the Federal program, conducting Financial Assurance reviews, developing grant applications and new programs, and for developing and implementing educational and outreach programs.

PROGRAM SUPPORT MANAGER: This individual provides program management support and coordination between the Division and branches undertaking technical activities; develops and coordinates state regulations so as to maintain equivalence and compliance with federal requirements; drafts, refines, coordinates, submits, and monitors program authorization applications and updates, grant applications and program workplans; tracks grant commitments; drafts and coordinates periodic reports; responsible for mid- and long-range program planning in support of the state RCRA program; reviews RCRA financial assurance certifications, and assists in budgeting and program logistic planning.

ADMINISTRATIVE ASSISTANT II: The Administrative Assistant I provides administrative support to the Program Planning Section Manager.

Data Management Section:

The Data Management Section is responsible for data management for the Division, including input, administration, and upkeep of data from RCRAInfo, hazardous waste activity notifications, and annual and biennial reports.

MANAGEMENT PROJECT ANALYST II: Data management section supervisor. Responsible for preparation, review, and management of the state annual and EPA biennial report; oversight and quality assurance of the state hazardous waste management data bases; and assists in development and coordination of the state Capacity Assurance Plan. Responsible areas: Data Base Quality Control and Oversight; Annual/Biennial Hazardous Waste Reports; Biennial/Annual Report System; Electronic Data Interchange; FOIA Requests for Data Files; RCRIS/Data Management MOU; Facility Invoice Amount Tracking System; Transporters and Manifests as needed

ADMINISTRATIVE ASSISTANT II: (RCRAInfo Coordinator) - Operates, updates, and maintains state RCRAInfo data base; coordinates hazardous waste generator and facility notifications and updates; and responsible for Superfund Fees Invoices, Hazardous Waste Operators Invoices, Permit Fee Invoices and Monitoring and Inspection Fees.

Brownfield Section:

PROGRAM SUPPORT MANAGER: The Program Support Manager serves as Coordinator for the State Brownfields Response and Redevelopment Program, including being the primary point of contact for the Brownfields Revolving Loan Fund and the day-to-day Project Manager for sites seeking assessment, cleanup, and redevelopment under this state/federal initiative. The Brownfields Coordinator conducts marketing and public outreach for the Brownfields Program; facilitates and coordinates Brownfields site projects between the participants, technical and other support staff, and various stakeholders; and frequently coordinates with EPA regional and national project officers to ensure program grant commitments are satisfied.

Inactive Sites Branch

TECHNICAL ASSISTANCE MANAGER: The Technical Assistance Manager serves as the Inactive Sites Branch Manager within the Hazardous Waste Division. Job duties include planning, coordinating, and implementation of pre-remedial site investigations and assessments, remedial investigations, design and construction of cleanup remedies, and development and implementation of the Federal Superfund program and the State's Remedial Action and Voluntary Cleanup programs, as well as supervision of administrative and professional support staff. The Technical Assistance Manager works under the direct supervision of the Hazardous Waste Division Chief.

ADMINISTRATIVE ASSISTANT II: The Administrative Assistant II works directly under the supervision of the Technical Assistance Manager. Job duties include coordinating the receipt, review, and return of submittal documents; gathering weekly and monthly activity reports from Engineer Supervisor and Hazardous Waste Inspector Supervisor; developing and implementing administrative policies and procedures for the Technical Assistance Manager; and acting in support of branch personnel.

Remedial Section:

ENGINEER SUPERVISOR: The Engineer Supervisor supervises remedial activities. Job duties include scheduling and coordinating activity reports, work plans, and review of remedial investigations, feasibility studies, remedial designs, and environmental corrective action studies for National Priorities List (NPL) or State Priorities List (SPL) sites. In addition, the Engineer Supervisor is responsible for reviewing and preparing health and ecological risk studies. The Engineer Supervisor works under the direct supervision of the Technical Assistance Manager.

ENGINEER, P.E./ ENGINEER II: The Engineer, P.E./ Engineer II (two positions) works in the remedial section of the Superfund branch. Job duties include engineering/technical review of environmental remedial action plans, remedial investigation reports, remedy selection reports, and other environmental corrective action studies. The Engineer, P.E./ Engineer II works under the direct supervision of the Engineer Supervisor.

Groundwater Section:

The Groundwater section is responsible for groundwater monitoring compliance and provides geological and groundwater technical consultation to the Remedial and Site Assessment sections. It consists of a Geology Supervisor, a Geologist P.G., and Senior Geologist. The geologists have attained the status of Registered Professional Geologists.

The Groundwater Section is responsible for the evaluation of hydrogeologic assessments and groundwater monitoring systems at hazardous waste sites. The section reviews Brownfields and voluntary cleanup applications and comprehensive site assessments for technical adequacy and completeness with respect to groundwater issues. Additionally, the section reviews and provides the State's comments and concerns regarding Superfund Remedial Investigation workplans and reports, Superfund Feasibility Studies workplans and reports, Superfund Remedial Action workplans and reports, and Facility Investigations required by Consent Administrative Orders. The groundwater section also assists with site inspections and investigations, groundwater sampling activities, oversight visits and other field/review activities as needed.

GEOLOGY SUPERVISOR: The Geology Supervisor serves as the manager of the Groundwater Branch and provides technical review and quality control of groundwater studies done in support of permitting efforts, corrective actions, site preliminary assessments, inspections, and management assistance sites. The Geology Supervisor reports to the Inactive Sites Branch manager.

GEOLOGIST P.G./SENIOR GEOLOGIST: Geologists responsible for groundwater surveys, investigation, and technical duties for permitting efforts, corrective actions, site preliminary assessments, inspections, and management assistance sites. Perform and assess Comprehensive Groundwater Monitoring Evaluations (GMEs) and Operations and Monitoring inspections (O&Ms).

Site Assessment Section:

HAZARDOUS WASTE INSPECTOR SUPERVISOR: The Hazardous Waste Inspector Supervisor supervises pre-remedial Superfund branch activities. Job duties include scheduling and coordinating activity reports, work load, research, and production of preliminary assessments and site investigations and reviewing site scores of potential hazardous waste sites for inclusion on the National Priorities List (NPL) or State Priorities List (SPL). In addition, the supervisor is responsible for reviewing and conducting health and ecological risk assessments and toxicological studies. The Hazardous Waste Inspector Supervisor works under the direct supervision of the Technical Assistance Manager.

HAZARDOUS WASTE INSPECTOR: The Hazardous Waste Inspector (four positions) is responsible for conducting discovery, preliminary assessments and site inspections at potentially uncontrolled hazardous waste sites under the pre-remedial phase of the Superfund branch. In addition, the inspector conducts preliminary ranking of sites investigated for possible inclusion on the National Priorities List (NPL) or State Priorities List (SPL). The Hazardous Waste Inspector works under the direct supervision of the Hazardous Waste Inspector Supervisor.

Additional technical support rendered by the Department under "Department overhead" include those listed below.

Full-time personnel resources provided by Environmental Preservation and Technical Services Division include Chemist II positions. These positions analyze samples and reports findings, perform verification and analysis of chemical substances, and provide testimony in enforcement litigation as required.

Legal support is provided by the Department's Legal Division. Responsibilities include legal counsel on RCRA matters, conducting hearings, initiating and prosecuting administrative and civil enforcement actions in accordance with Departmental policies, and final coordination of the legal portion of authorization applications. Legal counsel also coordinates with and supports local prosecuting attorneys in pursuing criminal prosecution of environmental crimes.

Other support positions for the RCRA program consist of a number of positions within the Department. These resources are funded through Departmental funds and the indirect cost rate applied to direct RCRA program personnel costs. These positions include the Director, Deputy Director, Fiscal Officer, Computer Services, Public Outreach and Assistance, and Management Services staffs. The support positions listed above contribute a total of approximately two work years annually to the RCRA program.

2. Overall Changes in Existing Resources for Previously Authorized Program

a. Changes in staffing, internal reorganizations, and shifts in priorities

No significant changes from the original Program Description.

b. Changes in size of the regulated community since previous authorization

Arkansas' universe of regulated hazardous waste management facilities has gradually declined over the past five years as improved waste management awareness and waste minimization and pollution prevention incentives have caused many handlers to drop from a fully-regulated generator or small quantity generator status to conditionally-exempt or non-generators.

c. Program changes that have significant impact on State's efficiency and existing program resources

No significant changes from the original Program Description.

3. Itemization of Estimated Costs and Sources of Funding for Revision

a. Personnel

Personnel resources devoted to the Arkansas Hazardous Waste Management Program have been described in the section immediately above.

b. Funding

- *Estimated program and technical support costs*

The integration of specific changes in the program revisions addressed in this application makes the incremental costs associated with these revisions indistinguishable from the ongoing costs of implementing the hazardous waste management program. Increased staffing levels addressed immediately above stem from increasing workload and participation in the existing regulated universe rather than to specific or individual program revisions addressed in these Clusters.

- ***Sources and amounts of available funding***

The ADEQ budget for the hazardous waste management program is funded by three sources:

- *Federal grants (fund/appropriation);*
- *Permit, hazardous waste activity, and closure plan fees, and an annual hazardous waste monitoring and inspection fee (fund/appropriation);*
- *Fees on the generation of hazardous waste (fund/appropriation).*

The Hazardous Waste Division and its programs are primarily self-funded – the Division and Department receive no funding from State general revenues.

Under Arkansas law, no legislative appropriation may be for a period of more than two years. ADEQ therefore, prepares a biennial budget for submission to the General Assembly prior to each legislative session. This budget addresses funding necessary for operations during the next two years, with a forecast of funding needs anticipated for the following biennium.

The Arkansas Constitution of 1874 and the Revenue Stabilization Act of 1947 prohibits the state government from deficit spending. The Arkansas General Assembly normally meets only for sixty days every other year (in the odd year) to consider appropriations and other legislation. A legislative appropriation is required prior to the Department committing or obligating any funds, to include funds derived from fee collection or Federal grants. Even if funds are on hand, they may sometimes not be able to be committed due to lack of sufficient appropriation. The Department must then defer these expenditures until the next budget period, provided funds remain available, or seek a supplemental appropriation from the General Assembly or the Legislative Council. While achieving its aim of preventing state budget deficits, this provision sometimes results in the Department's having to defer hiring new or replacing personnel or purchasing equipment even though funds are on hand for a particular project or activity.

References:

1. On-line copies of the current edition of Regulation No. 23 may be found at:
http://www.adeg.state.ar.us/regis/files/reg23_final_060323.pdf.
2. The updated, on-line version of the Arkansas Code of 1987, Annotated may be found at:
<http://170.94.58.9/NXT/gateway.dll?f=templates&fn=default.htm&vid=blr:code>.