

US EPA ARCHIVE DOCUMENT

ADEQ

ARKANSAS
Department of Environmental Quality

November 18, 2010

STATEMENT OF LEGAL AUTHORITY FOR FINAL AUTHORIZATION FOR CHANGES TO THE RCRA PROGRAM FROM JULY 2008 THROUGH JULY 2009

I hereby certify, pursuant to my authority as Independent Legal Counsel for the Arkansas Department of Environmental Quality, having full authority to represent the Department in court on all matters relating to the Department's environmental programs, and in accordance with Section 3006(b) of the Resource Conservation and Recovery Act, as amended by the Hazardous and Solid Waste Amendments of 1984 (42 USC 6901 *et seq.*), and 40 CFR 271, that in my opinion the laws of the State of Arkansas provide adequate authority to carry out the hazardous waste program set forth in the Program Description submitted by the Arkansas Department of Environmental Quality on November 7, 2000 and the Program Description Addendum(s) submitted on July 31, 2006, and January 30, 2009, and to meet the requirements of 40 CFR Part 271, Subpart A.

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The specific authorities provided are contained in statutes or regulations lawfully adopted at the time this Statement is signed and which are in effect now. The statutory authorities for the State are documented in the Arkansas RCRA Statutory Checklist, dated August 2006 and previously submitted to Region 6. In my opinion, statutes relied on in previously approved authorization applications have been amended, modified, or revised by statute or judicial decision in a way that does not diminish or interfere with the authority to carry out the previously authorized hazardous waste program to meet the requirements of 40 CFR Part 271, Subpart A.

The provisions for which the State is seeking authorization are documented in the attached **Revision Checklists 211, 213, 214, 215, 216, and 220**, components of **RCRA Clusters XVI, XVII, XVIII, and XIX**. Any differences between the State's provisions and the Federal provisions are noted on the individual revision checklists. The official State regulations may be found in Arkansas Pollution Control & Ecology Commission Regulation No. 23 (Hazardous Waste Management), adopted on April 23, 2010, and effective on June 13, 2010. This certification supplements my or my predecessors' certification(s) of July 9, 1984, September 24, 1987, February 24, 1989, December 11, 1990, May 7, 1992 (Non-HSWA Clusters V and VI), May 7, 1992 (RCRA Cluster I), May 10, 1994 (RCRA Cluster II), February 2, 1996 and March 3, 1997 (RCRA Clusters III and IV), July 31, 1997 (RCRA Cluster V), December 1, 1997 (RCRA Cluster VI), December 12, 2001 (RCRA Clusters VII, VIII, IX, and X), August 1, 2006 (RCRA Clusters XI, XII, and XIII, and components of Cluster XIV), October 15, 2007 (RCRA Clusters XIV and XV), and August 12, 2009 RCRA Clusters XVI, XVII, and XVIII).

References to "Ark. Code Ann." and "A.C.A." refer to the Arkansas Code of 1987 Annotated, as amended in August, 2007. References to "APC&EC Reg. No. 23" refer to the Arkansas Pollution

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

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Control and Ecology Commission's (APC&EC) Regulation Number 23, (Hazardous Waste Management) (formerly titled the Arkansas Hazardous Waste Management Code), last amended on April 23, 2010, to adopt all final rules promulgated by EPA through June 30, 2009, and which became effective on June 13, 2010. Dates of enactment and adoption for other statutes or regulations are given when cited.

12-20-2010

Date



DAWN GUTHRIE
Independent Legal Counsel