



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Arkansas Environmental Federation Land and Sustainability Webinar: Solid and Hazardous Waste/Recycling Administrative/Judicial Developments/2019-2020

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I undertook a presentation for the Arkansas Environmental Federation Land and Sustainability Webinars on May 22nd titled:

Solid and Hazardous Waste/Recycling Administrative/Judicial Developments: 2019-2020 ("Presentation")

The *Presentation* addressed a variety of federal and state decisions, litigation, rulings, regulations, and policies either directly or indirectly related to solid or hazardous waste (including recycling) that have arisen over the last 12 months.

The *Presentation* addressed:

- Arkansas Medical Marijuana Rules/Waste Issues
- Examples of medical waste processing/cultivation issues
- Need for solid waste management facilities and companies to address from a contractual standpoint medical marijuana waste generation issues
- Brownfields/Arkansas
- Recent grants to Pulaski County and Southwest Arkansas Planning and Development District
- Examples of brownfield policies (grants, funding programs, action/clean-up standards, liability exemptions, etc.)
- Goals of brownfield programs (encourage redevelopment investment, facilitate job growth, utilize existing infrastructure, encourage infield growth, take pressure off greenspace)
- Example of Recent Arkansas Elective Site Clean-up Agreement
- ESCA process
- Use of institutional controls, investigation/delineation, remediation
- Example of Hazardous Waste/RCRA Enforcement
- Example of Arkansas solid waste enforcement
- Example of Tire Enforcement
- Example of Arkansas Underground Storage Tank Enforcement
- Carroll County Solid Waste Authority/Ozark Solid Waste Management District Dispute
- Carroll County Solid Waste Authority allowed to leave District
- Appeal of Arkansas Pollution Control and Ecology Commission decision

- Trafalgar Stump Dump/Bella Vista Property Owners Association Request for Hearing to Set Aside Consent Administrative Order
- Managing Debris from Declared Disasters: Arkansas Department of Environmental Quality Guidance Document
- Addition of Certain Per- and Polyfluoroalkyl Substances/Community Right-to-Know Act: U.S. Environmental Protection Agency Advance Notice of Proposed Rulemaking
- Addition to the TRI Chemical List
- Possible establishment of reporting thresholds for chemicals that are lower than the usual statutory standards
- Description of PFAS
- U.S. EPA memorandum addressing recommendations for addressing groundwater
- Reference to state activities
- Perchloroethylene: U.S. EPA Issues Draft Risk Evaluation
- RCRA Delisting Petition Example
- UO19 (Benzene)
- U220 (Toluene)
- Example of closure issue
- RCRA Guidance Document/Compendium
- Use of EPA compendium
- January 8th document addressing request to import hazardous waste
- Post Closure Care at Hazardous Waste Units: U.S. EPA Office of Inspector General Project Notification
- RCRA/Clean Water Act Citizen Suit Addressing Plastic Releases
- Release Reporting/CERCLA Enforcement (an example)
- Solid/Hazardous Waste Criminal Enforcement: 2019-2020 Examples
- Knowing violations
- Criminal enforcement occurs primarily at federal level
- Solid Waste/Criminal Enforcement: Example of Louisiana Department of Environmental Quality Action
- Metal Processing Operations/California Hazardous Waste Control Law – Institute of Scrap Recycling Industries Judicial Challenge to DTSC Jurisdiction
- Solid Waste Incineration: U.S. District Court Addresses Challenge to Baltimore Ordinance
- Can City displace state air rules?
- Preemption/Equal protection issues
- Landfill Expansion: Alabama Appellate Court Addresses Application of Groundwater Requirements
- Contamination Limit/Recyclables: MRF Operator Lawsuit Alleging Connecticut Authority Violation of Sorting/Marketing Agreement
- Discussion of a recycling facility operations and maintenance agreement
- Issues involving excessive levels of contamination in incoming recyclables
- Cathode Ray Tubes/Warehouse: Federal Court Addresses Superfund Corporate Veil Piercing Issue
- Alleged improper disposal of electronic waste in a leased warehouse
- Possible individual liability of managing member of Limited Liability Company
- Rider/Real Property Contract: New Jersey Appellate Court Addresses Whether Seller Must Undertake Groundwater Remediation
- Institute of Scrap Recycling Industries Recycling Data/Economics (Arkansas)

A copy of the slides can be downloaded [here](#).