Arkansas Hazardous Waste Management Regulations: U.S. Environmental Protection Agency Federal Register Notice Approving Adoption of State Program Revisions

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The United States Environmental Protection Agency ("EPA") published in the November 18th Federal Register a Notice finalizing approval of the Arkansas Department of Energy and Environment – Division of Environmental Quality ("DEQ") incorporation by reference of certain provisions as part of its Resource Conservation and Recovery Act ("RCRA") Hazardous Waste Program. See 90 Fed. Reg. 51565.

EPA states that it uses the regulations entitled "Approved State Hazardous Waste Management Programs" to provide notice of the authorization status of State programs and to incorporate by reference those provisions of the State statutes and regulations that are authorized.

Arkansas received delegation of authorization to operate the federal RCRA Hazardous Waste Program in 1985. States which receive final authorization from EPA under Section 3006(b) of RCRA are required to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal program.

If the federal RCRA regulations change, states are required to, in turn, modify their programs. They then are required to seek EPA authorization for such changes.

EPA states that it is publishing this final rule to codify Arkansas' authorized hazardous waste management program without a prior proposal because the agency believes this action is not controversial. The rationale is stated as follows:

… in accordance with section 3006(b) of RCRA, EPA has already evaluated the State's regulatory and statutory requirements and has determined that the State's program meets the statutory and regulatory requirements established by RCRA.

EPA states it is finalizing regulatory text that includes authorized revisions to the Hazardous Waste Management Program of the State of Arkansas effective as of November 23, 2021 in the amendments to 40 CFR 272.201.

A copy of the Federal Register Notice can be found here.