

# Solid and Hazardous Waste Judicial/Regulatory Developments (2018-2019): Arkansas Environmental Federation Presentation (Walter Wright)



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I undertook a presentation on April 17th at the Arkansas Environmental Federation Regulated Waste Seminar titled:

*Solid and Hazardous Waste Judicial/Regulatory Developments: 2018 – 2019*

The discussion addressed federal and state (including Arkansas) decisions, litigation, rulings, regulations and policies either directly or indirectly related to solid and hazardous waste (including recycling) that have arisen over the past 12 months.

The topics and subtopics included:

- Proposed/Final Rules
- Modernizing Ignitable Liquid Determinations/RCRA: U.S. Environmental Protection Agency Proposed Rule
- Commercial and Industrial Solid Waste Incineration (CISWI) Units
- Resource Conservation and Recovery Act Hazardous Waste Manifest System: February 8th U.S. EPA Federal Register Notice Addressing Information Collection
- EPA Finalizes RCRA Pharmaceutical Rule Affecting Health Care Providers
- Coal Combustion Residuals: EPA State Developments
- Coal Combustion Residuals: Virginia Electric and Power Company Recycling/Beneficial Use Assessment Business Plan
- Hazardous Materials Regulations Revisions: U.S. Pipeline and Hazardous Materials Safety Administration Addresses Industry Petitions
- Superfund/CERCLA National Priority List: Blog Post Notes Addition of Two Sites (Mississippi/Texas) Based Solely on Vapor Intrusion Risk
- Arkansas Medical Marijuana Rules/Waste Issues
- Federal/State Enforcement (Civil)
- Unmanned Aircraft Systems/Drones: Louisiana Department of Environmental Quality Notes Use in Environmental Protection Mission
- Landfill/Solid Waste Enforcement: Arkansas Department of Environmental Quality and City of Morrilton Enter into Consent Administration Order

- Industrial Wells/Acid Injection: Federal Appellate Court Addresses Request for Declaratory Judgment Regarding Illinois Environmental Protection Agency Jurisdiction
- Beneficial Reuse/Clean Soil: February 20th Order Addressing Los Angeles County Department of Public Works Solid Waste Fee Determination
- Hazardous Waste Enforcement: California and Target Agree to Revise Final Judgment/Permanent Injunction on Consent
- Hazardous Waste/Air Enforcement: Mississippi Commission on Environmental Quality and Columbus, Mississippi Furniture Manufacturing Facility Enter into Agreed Order
- Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Detroit, Michigan Facility Complaint and Compliance Order
- Release Reporting/CERCLA Enforcement: U.S. Environmental Protection Agency and Waseca, Minnesota, Facility Enter into Consent Agreement
- Emergency Planning and Community Right-to-Know Act (EPCRA) Enforcement: U.S. Environmental Protection Agency and Tampa, Florida Erecting Company Enter into Consent Agreement
- Used Oil/Hazardous Waste Enforcement: EPA and South Lyon, Michigan Metal Heat Treating Facility Enter into Consent Agreement
- OSHA Enforcement: U.S. Department of Labor Cites Alabama Tank Cleaning Company for Alleged Violations
- Criminal Enforcement (Federal/State)
- Criminal Enforcement: Louisiana Department of Environmental Quality References Guilty Plea of Orleans Parish Individual for Alleged Illegal Disposal of Waste Tires
- Criminal Enforcement/Hazardous Waste: U.S. Department of Justice References Guilty Plea of Madison Heights, Michigan, Individual/Electro-Plating Company
- Citizen Suit Activity
- Municipal Solid Waste Landfills/Clean Air Act: Federal Court Addresses States of California/New Mexico Action Alleging EPA Failure to Implement Emission Guidelines
- Citizen Suit Action/RCRA: Federal Court Addresses Request to Enjoin Dredging Contaminated Sediment
- Public Employees for Environmental Responsibility/U.S. Environmental Protection Agency Region 4 Overfile Request: Tampa, Florida, Wastewater Treatment Plant
- Transactions/Litigation
- Environmental Reporting: Federal Court Addresses Employee First Amendment/Public Employer Retaliation Claim
- Demolition Contract: New York Appellate Court Addresses Whether Imposition of Flow Control Constitutes a Significant Change
- Is Recycling Constitutionally Protected Political Speech? Federal Court Addresses Standing Issue
- Train Derailment/Residential Evacuation: Federal Court Considers Applicability of Hazardous Materials Act Preemption Provision to Class Action
- PERC/Dry Cleaners: Wisconsin Appellate Court Addresses Degree of Spill or Release Constituting Breach of Lease
- CERCLA Liability: Federal Appellate Court Addresses Whether Current Owner Can Be Responsible for Pre-acquisition Cleanup Costs
- CERCLA/Superfund Action: Federal Court Addresses Owner/Operator Issue
- Landfill Lease Agreement: New Jersey Appellate Court Addresses Indemnity Provision
- Joint Advisory on Designing Contracts for Processing of Municipal Recyclables: SWANA/National Waste & Recycling Association August 1st Update
- Guidance/Notices
- RCRA Guidance: July 19th U.S. Environmental Protection Agency Memorandum Addressing Automotive Airbag Inflators/Fully Assembled Airbag Modules

- Superfund/CERCLA: EPA Protection Agency Announces One-Year Anniversary Task Force Accomplishments
- Solid Waste Environmental Excellence Protocol (SWEEP): Draft Municipal Standard Issued
- Measuring Recycling: Solid Waste Association of North America Issues "Technical Policy"
- Solid Waste Landfill Post-Closure Care: NWRA/SWANA Technical Policy/Position Paper
- Miscellaneous
- ADEQ Elective Site Clean-Up Agreements
- Brownfields: U.S. Environmental Protection Agency Awards East Arkansas Planning and Development District \$300,000 for Assessments
- Hot Springs, Arkansas, Majestic Hotel Brownfield Site: Arkansas Department of Environmental Quality Announces Certificate of Completion/Ribbon Cutting
- Manufacturing Pelletized Slag: Ohio Supreme Court Addresses Application of Use Tax
- PFOA/PFOS: New York State Drinking Water Quality Council Maximum Contaminant Levels Recommendations
- PFAS: New Mexico Environment Department Issues Notice of Violation to United States Air Force (Cannon Air Force Base)
- Landfills/ Determination of the Presence of PFAS Substances: March 20th California State Water Resources Control Board Order
- Scrap Import Ban: Chinese Government Confirmation for 2019

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