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Exception Reporting/Hazardous Waste Generator: Arkansas Department of Energy & Environment - Division of Environmental Quality Guidance/Reminder

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) issued a guidance/reminder document addressing a section of Arkansas Pollution Control & Ecology Commission (“Commission”) Rule No. 23.

Arkansas has been delegated and implements the federal Resource Conservation and Recovery Act (“RCRA”) hazardous waste regulatory program through Commission Rule No. 23.

RCRA is the public law that created the framework for the proper management of hazardous waste. The federal statute and corresponding Arkansas statutory authority provide the agencies the ability to regulate hazardous waste from the “cradle-to-grave.” This includes the generation, transportation, treatment, storage and disposal of hazardous waste.

The August 25th DEQ guidance/reminder addresses Section 262.42 of Commission Rule No. 23. This provision involves “Exception Reporting.”

The document first addresses when an Exception Report must be submitted to the DEQ Director outlining:

? Large Quantity Generator (LQG) – When the LQG has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

? Small Quantity Generator (SQG) – When the SQG has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter.

The document then addresses what to include in an Exception Report:

? Large Quantity Generator (LQG)

1. A legible copy of the manifest for which the generator does not have confirmation of delivery.
2. A cover letter signed by the generator or an authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

? Small Quantity Generator (SQG)

1. A legible copy of the manifest for which the generator does not have confirmation of delivery.
2. An indication that the generator has not received confirmation of delivery. (This could be a separate sheet of paper or written on the manifest.)

Finally, the document also addresses what it describes as:

. . . rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest . . .

DEQ states that the generator:

. . . must comply with the same above requirements, but the timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

A copy of the guidance/reminder can be downloaded [here](#).