

The Arkansas Commission on Pollution Control and Ecology hereby adopts the Hazardous Substance Remedial Action Trust Fund Priority List and criteria for listing pursuant to the Remedial Action Trust Fund Act (Act 479 of 1985), provided that no substantial adverse comments are received prior to May 26, 1987, the expiration date of the public comment period.

COMMISSIONERS

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*[Handwritten signature of Mike Bates]*  
CHAIRMAN

SUBMITTED BY: Mike Bates DATE PASSED: \_\_\_\_\_

HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND  
PRIORITY LIST

Calendar Year, 1987

Arkansas Department of Pollution Control and Ecology  
Hazardous Waste Division  
April, 1987

STATE OF ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

Hazardous Waste Division

Introduction

The Remedial Action Trust Fund Act (Act 479 of 1985) requires that a prioritized listing of hazardous substance sites be established and revised annually. This document presents a partial prioritized listing of sites at which remedial actions and/or investigations may be authorized. Funding for such remedial actions or investigations shall be provided by the Hazardous Substance Remedial Action Trust Fund (the Fund). The Priority List is divided into two (2) sections: Section I - National Priority List (NPL) Sites and Section II - State Priority List (SPL) Sites.

This document will be reviewed and updated as needed at least annually.

Funding

Pursuant to Act 479 of 1985 the Fund monies may be expended by the Director for:

- a. Reasonably necessary administration costs and expenses.
- b. State share mandated by the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), as amended, Section 104(c)(3).
- c. Investigation, identification, containment, abatement, treatment, and/or control, including monitoring and maintenance of hazardous substance sites.

Monies for the Fund shall be from the fees established by Section 7 of Act 479 of 1985, monies recovered from responsible parties, and carry over monies from the Emergency Response Fund as established pursuant to Act 452 of 1985.

It is anticipated that total of monies available in the Fund on or about July 1, 1987 will be approximately \$790,000. Eighty percent (80%) of the annual receipts for the Fund shall be designated for expenditures related to Section I (NPL) Sites, Twenty percent (20%) of the annual receipts for the Fund shall be designated for expenditures related to Section II (SPL) Sites. Administrative costs and expenses shall be charged against each Section as appropriate. In the event that monies from either or both Sections are not expended in any given year, the remaining monies shall be carried over to the next year. Carry over monies shall remain in the same Section as originally apportioned, unaffected by subsequent years' additions to the Fund in accordance with the above apportionment.

Hazardous Substance Remedial Action Trust Fund Priority List

Criteria for Prioritized Listings

Section I - National Priority List (NPL) Sites

Sites in Section I shall be those which:

- a. Have been preliminarily investigated and ranked by use of the Hazard Ranking System (HRS) have scored a minimum of 28.50 based on the HRS and been placed on the NPL as published in the Federal Register, and
- b. Have been rendered a final Remedial Investigation/Feasibility Study, and Health/Risk Assessment. In addition, a U.S. Environmental Protection Agency Record of Decision (ROD) regarding the needed remedial action has been issued, and
- c. The State has accepted the ROD, and
- d. Federal monies for remedial action at the site have been obligated.

In the event two (2) or more sites are eligible for funding in any given year under the above criteria, priority for funding shall be as follows:

- a. Sites at which remedial actions (including operation and maintenance) have been initiated under previous priority list rankings.
- b. Additional sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed in the exposure assessment process as performed in accordance with CERCLA, and any other information considered applicable and scientifically reliable.

Section II - State Priority List (SPL) Sites

Sites on the SPL shall be those identified by the Director as posing a potential substantial endangerment to human health and/or the environment and do not meet the criteria for inclusion in the Section I listing. Sites on the SPL may be identified by a number of sources including, but not limited to, citizen complaints, Department investigations, other government agency referrals, and NPL sites which are not eligible for Federal funding. Sites on the SPL will be eligible for investigation and/or remedial action on a case-by-case basis as determined by the Director.

SPL sites may be divided into two (2) categories depending on the requisite action at a particular site.

Category A Sites - are those sites requiring investigatory activities to determine the extent and degree (if any) of uncontrolled hazardous substances at the site and any scientific or engineering studies deemed necessary by the Director to determine available and necessary alternatives for remediation.

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Category B Sites - are those sites requiring remediation activities to adequately secure, contain, abate, treat, or control hazardous substances to the extent financially and technically feasible, as determined by the Director. Remediation activities shall include, but not be limited to, any engineering design work necessary to adequately plan and implement remedial measures. After remedial measures are completed at a site in this category the expenditures shall be itemized and the Department shall institute such actions as are appropriate to recover said expenditures.

Prioritization for funding Category B Sites shall be based on a ranking which considers, as a minimum the following:

- a. Proximity to population centers,
- b. Potential impacts to surface water,
- c. Potential impacts to groundwater,
- d. The hydrologic and geologic characteristics of each site,
- e. The toxicity and concentration of hazardous substances present at the site,
- f. The mobility of hazardous substances,
- g. The attenuation of hazardous substances, and
- h. Release or threat of release of hazardous substances.

In the event two (2) or more sites are eligible for funding in any given year under the above criteria, priority for funding shall be as follows:

- a. Sites at which remedial actions (including operation and maintenance) have been initiated under previous priority listing rankings.
- b. Additional sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed or discovered in the investigatory process.

Additional sites may be included for investigation purposes which have not been ranked, at the discretion of the Director. Such sites shall be those where preliminary information indicates a possible substantial endangerment to human health or the environment.

Nothing contained within this document shall be construed as to preclude or limit the authority of the Director pursuant to the Emergency Response Fund Act (Act 452 of 1985) in mandating such actions as may be deemed necessary to abate an imminent and substantial endangerment to the public health, safety, welfare or to the environment.

Hazardous Substance Remedial Action Trust Fund Priority List

PRIORITY LIST

Section I - NPL Sites

<u>Site/Location</u>	<u>Estimated Expenditures 1987</u>
1. Cecil Lindsey/Newport, Arkansas	\$14,600

Section II - SPL Sites

Category A

<u>Site/Location</u>	<u>Estimated Expenditures 1987</u>
Benton Salvage/Benton, AR	\$50,000
Crittenden County Landfill/Marion, AR	18,000
Slough Creek Dump/Johnson County	30,000

Category B

Benton Salvage/Benton, AR	To be determined
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