

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT _____
Reynolds Metals Company
Docket No. 97-009-NOV and
Docket No. 97-010-NOV

MINUTE ORDER NO. 97-48

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On September 5, 1997, Goldendale Aluminum Company, Northwest Aluminum Company, and Vanalco, Inc., ("Aluminum Companies") filed Petitioners' Third-Party Request for Adjudicatory Hearing and Immediate Commission Review. This matter was designated as Docket No. 97-009-NOV. On September 5, 1997, the Arkansas Chapter of the Sierra Club ("Sierra Club") filed Petitioner's Third-Party Request for Adjudicatory Hearing. This matter was designated as Docket No. 97-010-NOV. The Aluminum Companies and Sierra Club challenged the issuance of a Consent Administrative Order ("CAO") entered into between the Arkansas Department of Pollution Control and Ecology ("Department") and Reynolds Metals Company ("Reynolds"). They asked the Commission to set aside the CAO and conduct an adjudicatory hearing.

On September 10, 1997, the Department filed a response to the Aluminum Companies request.

On September 15, 1997, the Department entered an Order of the Director which rescinded the issuance of the CAO. That order stated that the CAO had become moot due to the issuance of the United States Environmental Protection Agency §7003 Administrative Order (U.S.E.P.A. Docket No. VI-7003-97-06) to Reynolds.

The Aluminum Companies and Sierra Club objected to the Order of the Director in letters filed on September 17 and 18, 1997. They claim an adjudicatory hearing is required because the Department will allow Reynolds to operate a hazardous waste landfill without any permit being issued.

On September 17, 1997, the Department also filed a letter setting forth its reasons for rescinding the Consent Administrative Order.

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On September 19, 1997, the Commission heard oral comments from the parties. The Commission also assigned this matter to the Regulations Committee for the purpose of gathering additional information and making a recommendation to the Commission. The Regulations Committee met on September 30, 1997. Based on the pleadings filed and information gathered at the Committee meeting, the Regulations Committee recommended that Docket No. 97-009-NOV and Docket No. 97-010-NOV be dismissed and the dockets closed.

The Commission finds that a Consent Administrative Order ("CAO") was entered on June 27, 1997. The CAO was executed by the Department and Reynolds. The CAO was rescinded by the Director of the Department on September 15, 1997. The relief sought by the Aluminum Companies and Sierra Club was for the Commission to set aside the CAO and to conduct an adjudicatory hearing. Based on the Department's rescision of the CAO, the Commission concludes that the third-party requests for review are moot.

Therefore, the Commission dismisses Docket No. 97-009-NOV and Docket No. 97-010-NOV and directs the Commission Secretary to close these dockets.

COMMISSIONERS

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J. Mobley
J. Pascale

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Chair

SUBMITTED BY: R. Young PASSED: 10/24/97