

Notice of Rulemaking and Public Hearing

The Arkansas Pollution Control and Ecology Commission will hold public hearings on Tuesday, March 26, 2002, to receive comments on proposed changes in Regulation No. 23, Hazardous Waste Management, and in Regulation No. 29, Brownfields Redevelopment. Both hearings will be held in the Arkansas Department of Environmental Quality's Building D Training Room, located at 8101 Interstate 30, Little Rock, 72209. The hearing on Regulation No. 23 will begin at 2:00 p.m., followed immediately by the hearing on Regulation No. 29.

Proposed changes in Regulation 23 would add Mid-South Reclamation Industries Inc., Smackover, Arkansas, Union County, to the Remediation Category of the State Priority List. The company's tire reclamation facility was the site of fires in 1991 and 1998. The Arkansas Department of Environmental Quality and the company had signed an agreement by which the company would clean up the site. Mid-South Reclamation has defaulted on the agreement. ADEQ wants to clean up the site, using Remedial Action Trust Fund Act funds. A site must be placed on the State Priority List before the Department may use RATFA funds. Preliminary estimate for cleanup of the site is \$1.03 million.

Proposed revisions to Regulation 29 would implement changes the Arkansas General Assembly enacted in 2001 in the Voluntary Cleanup Act. The Legislature amended the scope of persons eligible to participate in Arkansas Voluntary Cleanup Program, also known as the Brownfields Redevelopment Program. Lawmakers also defined the term "implementing agreement" to remove any perceived stigma from entering into an enforcement action with the Department.

The Commission's authority for promulgating changes to Regulation No. 23 are found in Arkansas Code Annotated (A.C.A.) Sections starting with 8-7-201, and starting with A.C.A. Section 8-7-301; authority for changing Regulation No. 29 are found in the Arkansas Voluntary Clean-up Act, A.C.A., Section 8-7-1101 and following.

Copies of proposed changes in Regulation No. 23 and proposed revisions in Regulation No. 29, along with summaries of the proposed changes, are available for public inspection at the ADEQ's Building D, Customer Service Division, 8101 Interstate 30, Little Rock, Arkansas, or at Department information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library located on the State Capitol Grounds in Little Rock. In addition, the proposed revisions can be viewed on the Department's Internet web site at www.adeq.state.ar.us.

Oral and written comments will be accepted at the hearings, but written comments are preferred in the interests of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. April 9, 2002. Written comments should be delivered or mailed to: David F. Kern; Public Affairs Officer, Customer Service Division, Arkansas Department of Environmental Quality, 8101 Interstate 30, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments, including the name and mailing address of the sender, should be sent to: reg-comment@adeq.state.ar.us.

Dated this 24th day of February, 2002

Richard A. Weiss, Interim Director
Arkansas Department of Environmental Quality