

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION No. 30; ARKANSAS)
HAZARDOUS SUBSTANCES REMEDIAL)
ACTION TRUST FUND SITE PRIORITY)
LIST)**

DOCKET NO. 14-____-R

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 30,
ARKANSAS REMEDIAL ACTION TRUST FUND HAZARDOUS SUBSTANCES SITE
PRIORITY LIST**

Comes now, the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), and for its Petition to Initiate Rulemaking to Amend Regulation No. 30, Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List, states:

1. The Arkansas Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-509(f)(1), requires the establishment and annual update of a prioritized list of hazardous substance sites at which the Commission may authorize the expenditures from the Remedial Action Trust Fund for the investigation, cleanup, and long term stewardship of these sites. This petition seeks to amend and update this list for sites within Arkansas that meet the criteria for listing on the State Priority List (SPL) or the U.S. Environmental Protection Agency’s National Priority List (NPL) and which may require matching funds from the state for cleanup as well as long term care and stewardship, as well as those sites which must be addressed using state funding and oversight.

2. The proposed regulatory amendments include proposing to move one site (MacMillan Ring Free Oil a/k/a Norphlet Chemical, Inc., Union County) from the State Priority List to the National Priority List; proposing one (1) site (49ers Resource Recovery and Forty-Niner Metals

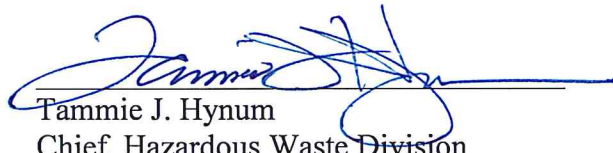
2. The proposed regulatory amendments include proposing to move one site (MacMillan Ring Free Oil a/k/a Norphlet Chemical, Inc., Union County) from the State Priority List to the National Priority List; proposing one (1) site (49ers Resource Recovery and Forty-Niner Metals Management, LLC) for addition to the State Priority List for investigation, characterization, and remediation as may be needed; and proposing three (3) additional sites (Arkansas Waste to Energy-Warehouse, I Can, and Thompson Scientific Industries) for deletion from the State Priority List. Remedial actions at the sites proposed for deletion have been completed to the extent that these sites no longer pose an unacceptable risk to human health or the environment. In the case of MacMillan Ring Free Oil, this site has been approved for inclusion on the federal National Priority List and will receive further investigation and remediation under the federal Superfund program (see 79 Fed. Reg. 26856). The proposed revisions are attached as Exhibit "A."

Tammie J. Hynum, Chief, Hazardous Waste Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. The questionnaire for filing proposed rules and regulations with the Arkansas Legislative Council and Joint Interim Committee is attached as Exhibit "B." The Legislative Financial Impact Statement is attached as Exhibit "C." A copy of the Economic Impact Statement and Regulatory Flexibility Analysis is attached as Exhibit "D." A copy of the Economic Impact/Environmental Benefit Analysis is attached as Exhibit "E." Summary fact sheets for each site proposed to be added or deleted are attached as Exhibit "F." A proposed Minute Order which initiates this request is attached as Exhibit "G."

Regulation No. 30 does not impose any additional costs or obligations to private businesses, small or otherwise. Liability for environmental contamination and cleanup for which they are responsible would be assessed under other federal and state laws; costs for investigation, characterization, and remediation of sites listed on the State Priority List are paid using state funds from the Remedial Action Trust Fund Act, or by the responsible parties.

WHEREFORE, the ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed amendments to Regulation No. 30 for public notice and comment.

Respectfully submitted,



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