

# **ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**



## **REGULATION NO. 30**

### **ARKANSAS REMEDIAL ACTION TRUST FUND HAZARDOUS SUBSTANCES SITE PRIORITY LIST**

**Approved by the Pollution Control and Ecology Commission  
on July 23, 2004**

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## **CHAPTER 1: GENERAL PROVISIONS**

### **Reg.30.101      Authority**

This regulation is promulgated pursuant to provisions of the Remedial Action Trust Fund Act of 1985 (Act 479 of 1985, as amended, A.C.A. § 8-7-509(e)(1).

### **Reg.30.102      Purpose**

The Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List identifies those hazardous substance sites for which expenditures are authorized from the Hazardous Substances Remedial Action Trust Fund pursuant to the provisions of the Arkansas Code, Annotated, § 8-7-509(d)(2) and (d)(3). It is not a site inventory or historical list. Sites are numbered sequentially as they are added to the list, and a particular site's position on the list is not relative to its hazard ranking or degree of risk or potential risk.

### **Reg.30.103      Definitions**

When used in connection with this regulation, terms shall have the meaning defined at Arkansas Code, Annotated, § 8-7-503, or as defined at APC&EC Regulation No. 23 § 260.10.

### **Reg.30.104      Severability**

If any provision of this Regulation or the application thereof is held invalid, such invalidity shall not effect other provisions of this Regulation which can be given effect without the invalid provision or application and to this end the provisions of this Regulation are declared to be severable.

## **CHAPTER 2: NATIONAL PRIORITY LIST SITES**

### **Reg.30.201      Description**

Hazardous substance sites listed in this Chapter are those which pose a potential substantial endangerment to human health and/or the environment, and for which State funds have been approved to match or supplement Federal funding for remedial actions pursuant to CERCLA. Criteria for listing a particular site is governed by APC&EC Regulation No. 23, §§ 26(c), 26(d), 26(e), and 26(i).

### **Reg.30.202      National Priority List Sites**

- (A) Cecil Lindsey Landfill, Newport
- (B) Old Midland Products, Ola
- (C) Rogers Road Landfill, Jacksonville
- (D) Jacksonville/Graham Road Landfill, Jacksonville
- (E) Gurley Oil Pits, Edmonson
- (F) Popile, El Dorado
- (G) Mountain Pine Pressure Treating, Plainview

## **CHAPTER 3: STATE PRIORITY LIST SITES**

### **Reg.30.301      Description**

Hazardous substance sites listed in this Chapter are those which pose a potential substantial endangerment to human health and/or the environment, but which do not meet the criteria for listing on the National Priority List. These sites have been designated as eligible for State-funded investigation and necessary remedial actions on a case-by-case basis as determined by the Director. Criteria for listing a particular site is governed by APC&EC Regulation No. 23, §§ 26 (g), 26(h), and 26(i).

### **Reg.30.302      State Priority List Sites**

#### **(A) Investigation category**

- (1) Benton Salvage, Benton
- (2) Utilities Services, Inc., Pine Bluff
- (3) Jimelco, Little Rock
- (4) Rixey Iron & Metals Company, North Little Rock
- (5) Griffing Railway Repair, El Dorado
- (6) Leachville Metal Plating, Leachville
- (7) Mountain Pine Pressure Treating, Plainview
- (8) Plainview Lumber Company, Plainview
- (9) R&P Electroplating, Fayetteville.
- (10) Baird Manufacturing, Inc., Clarendon
- (11) Amity Lacquer Paint and Chemical Manufacturing Company, Amity
- (12) Red River Aluminum, Stamps
- (13) Cedar Chemical Corporation, West Helena
- (14) Swift Chemical Company Farm Property, Rogers
- (15) Swift Chemical Company Arkansas Street Site, Rogers
- (16) Arkansas Waste-to-Energy Incinerator Site, Osceola
- (17) Arkansas Waste-to-Energy Warehouse Site, Osceola
- (18) Arkansas Waste-to-Energy/E.R. Moore Site, Osceola
- (19) United States Forgecraft, Fort Smith

#### **(B) Remediation Category**

- (1) Vertac Chemical Corporation, Jacksonville
- (2) Benton Salvage, Benton
- (3) Garland County Industrial Landfill, Hot Springs
- (4) Utilities Services, Inc., Pine Bluff
- (5) Jimelco, Little Rock
- (6) Rixey Iron & Metals Company, North Little Rock
- (7) Griffing Railway Repair, El Dorado
- (8) Leachville Metal Plating, Leachville
- (9) Mountain Pine Pressure Treating, Plainview
- (10) Plainview Lumber Company, Plainview
- (11) R&P Electroplating, Fayetteville

- (12) Baird Manufacturing, Inc., Clarendon
- (13) Amity Lacquer Paint and Chemical Manufacturing Company, Amity
- (14) Red River Aluminum, Stamps
- (16) Mid-South Reclamation Industries, Smackover
- (17) Cedar Chemical Corporation, West Helena
- (18) Baldwin Organ and Piano Company, Fayetteville
- (19) Swift Chemical Company Farm Property, Rogers
- (20) Swift Chemical Company Arkansas Street Site, Rogers
- (21) Arkansas Waste-to-Energy Incinerator Site, Osceola
- (22) Arkansas Waste-to-Energy Warehouse Site, Osceola
- (23) Arkansas Waste-to-Energy/E.R. Moore Site, Osceola
- (24) United States Forgecraft, Fort Smith

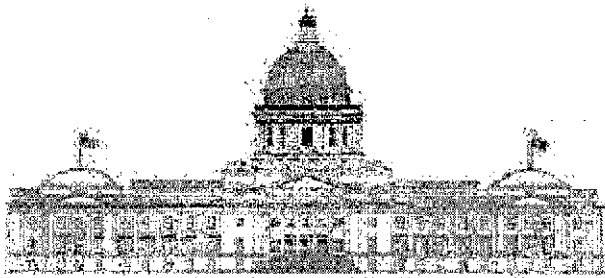
## **CHAPTER 4: EFFECTIVE DATE**

### **Reg.30.401      Effective Date**

This regulation and any amendments or revision thereof are effective 10 days after filing the regulation or any amendment or revision thereof with the Secretary of State, the State Library, and the Bureau of Legislative Research following adoption by the Commission.

# ARKANSAS REGISTER

## Transmittal Sheet



Charlie Daniels  
Secretary of State  
State Capitol Room 026  
Little Rock, Arkansas 72201-1094  
(501) 682-3527

For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Pollution Control and Ecology Commission

Department Arkansas Department of Environmental Quality

Contact Mike Bates E-mail bates@adeq.state.ar.us Phone (501) 682-0831

Statutory Authority for Promulgating Rules § 8-7-509(e)

Rule Title: Reg. No. 30-Hazardous Substance Remedial Action Trust Fund Priority List; Docket No. 04-003-R

Intended Effective Date

Date

☐ Emergency

Legal Notice Published .....

03/30/04

☒ 10 Days After Filing

Final Date for Public Comment .....

05/20/04

☐ Other \_\_\_\_\_

Reviewed by Legislative Council .....

06/03/04

Adopted by State Agency .....

07/23/04

☒ Electronic Copy of Rule Provided (per Act 1648 of 2001)

☐ Electronic Copy of Rule to be e-mailed from: \_\_\_\_\_

Contact Person

Email Address

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

Michael O'Malley  
Signature

(501) 682-7890

o'malley@adeq.state.ar.us

Phone Number

E-mail Address

Administrative Hearing Officer

Title

08/05/04

Date

FILED  
AR. REGISTER DIV.  
04 AUG -5 PM 2:13  
BY: [Signature]



ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

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RECEIVED

AUG - 5 2004

BUREAU OF  
LEGISLATIVE RESEARCH

August 5, 2004

Ms. Donna Davis  
Administrative Rules and Regulations Committee  
Room 433, State Capitol Building  
Little Rock, AR 72201

Re: Regulation No. 30, (Arkansas Remedial Action Trust  
Fund Hazardous Substance Site Priority List);  
Docket No. 04-003-R

Dear Ms. Davis:

I am enclosing the following for filing with your office:

1. Two (2) hard copies of the amendment to Regulation No. 30, (Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List).
2. Two (2) copies of Minute Order No. 04-15
3. Two (2) copies of the Financial Impact Statement.

Please provide written confirmation of your receipt of these materials by file-marking the enclosed copy of this letter and returning it to me.

Thank you for your assistance in this matter.

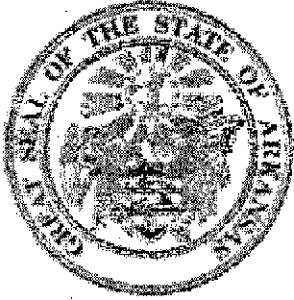
Respectfully,

A handwritten signature in cursive script that reads "Michael O'Malley".

Michael O'Malley  
Administrative Hearing Officer

Enclosures

# ARKANSAS STATE LIBRARY



## Agency Certification Form For Depositing Final Rules and Regulations At the Arkansas State Library

Documents Services • Arkansas State Library  
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501-682-2326 phone; 501-682-1532 FAX

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For Office Use Only		
Effective Date:		Classification Number:
Name of Agency: Arkansas Department of Environmental Quality		
Contact Person: Mike Bates		Telephone: 501-682-0831
Statutory Authority for Promulgating Rules: § 8-7-509(e)		
Title of Rule: Regulation No. 30, AR Remedial Action Trust Fund Hazardous Substance Site Priority List; # 04-003-R		
Rule Status	Effective Date Status	Effective Date
<input type="checkbox"/> New Rule/Regulation	<input type="checkbox"/> Emergency	
<input checked="" type="checkbox"/> Amended Rule/Regulation	<input checked="" type="checkbox"/> 10 Days after filing	August 15, 2004
<input type="checkbox"/> Repealed Rule/Regulation	<input type="checkbox"/> Other	
<input type="checkbox"/> Order	<input type="checkbox"/> Repealed	
<input type="checkbox"/> Emergency Rule/Regulation	Adopted by State Agency	
<input type="checkbox"/> Rule above is proposed and will be replaced by final version		
<input checked="" type="checkbox"/> Financial and/or Fiscal Impact Statement Attached		
<h3>Certification of Authorized Officer</h3> <p>I hereby certify that the attached rules were adopted in compliance with Act 434 of 1967 as amended.</p> <p>Signature: <u>Michael O'Malley</u> Date: <u>August 5, 2004</u></p> <p>Title: <u>Administrative Hearing Officer</u></p>		

ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION

LOCATION-SUBJECT:  
Adoption of Revisions to  
Regulation No. 30

DOCKET No. 04-003-R

MINUTE ORDER NO. 04-015

Page 1 of 1

Pursuant to public notice and hearing and after consideration of all comments received, the Arkansas Pollution Control and Ecology Commission hereby adopts changes to Regulation No. 30 (Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List) as detailed in the attached Final Rule.

PROMULGATED THIS 25th DAY OF JUNE 2004, BY  
ORDER OF THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

BY: William Thompson  
William Thompson, Chair

ATTEST: Marcus C. Devine  
Marcus C. Devine, Director

APPROVED: Mike Huckabee  
Mike Huckabee, Governor

COMMISSIONERS

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W. Thompson SUBMITTED BY: Mike Bates DATE PASSED: July 23, 2004  
W. Thompson, Chair