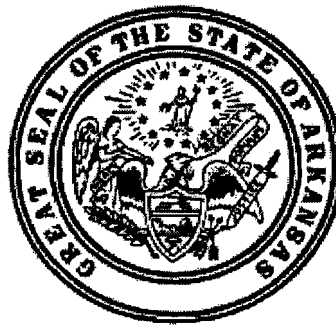


FILED

Pollution Control & Ecology Commission # 014.00-030

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ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION



REGULATION No. 30

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

Adopted by
the Pollution Control and Ecology Commission on
December 5, 2008

EFFECTIVE DATE: _____

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1.

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(f)(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 listed alphabetically, 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 Criteria for Listing Hazardous Substance Sites

(a) Monies deposited into the Hazardous Substance Remedial Action Trust Fund shall be segregated into two portions.

(1) Eighty percent (80%) of the annual receipts shall be designated for expenditures related to National Priority List (NPL) sites as listed in Chapter 2 of this regulation.

(2) Twenty percent (20%) of the annual receipts shall be designated for expenditures related to State Priority List (SPL) sites as listed in Chapter 3 of this regulation.

(3) In the event monies from either NPL or SPL sites are not expended in any given year, the remaining monies shall be carried over to the next year and shall remain as originally apportioned, unaffected by apportionment of additional funds in subsequent years unless otherwise authorized by law.

(b) Monies from the Hazardous Substance Remedial Action Trust Fund may not be expended by the Director at any hazardous substance site until such hazardous substance site is listed in the applicable chapter of this regulation.

(c) A hazardous substance site may be listed in Chapter 2 of this regulation (National Priority List (NPL) site) provided that:

(1) The hazardous substance site has been investigated and ranked by use of the revised Hazard Ranking System (rHRS), and

(2) The hazardous substance site scored a minimum of 28.50 based on the rHRS, or has been designated as the State's priority site in accordance with 40 CFR 300.425(c)(2) and placed on the federal National Priorities List as published in the *Federal Register*, and

(3) A final Remedial Investigation/Feasibility Study (and Health Risk Assessment, where applicable) has been conducted, and

(4) The Department has concurred with the remedy selection, and

(5) A Record of Decision (ROD) regarding the remedial action has been issued, and

(6) Federal monies for the remedial action at the hazardous substance site have been committed, and

(7) The Remedial Design has progressed to the 90% complete stage, and

(8) The Department has provided a 30 day public comment period and opportunity for hearing on the addition of the site to this list.

(d) Should the Commission disapprove the inclusion of a hazardous substance site in Chapter 2 of this regulation, the Chairperson of the Commission shall cause the record to reflect the specific rationale for this disapproval.

(e) Priority for funding in any given fiscal year for National Priority List sites identified in § 30.202 under the above criteria shall be as follows:

(1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously.

(2) Additional hazardous substance 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 accordance with CERCLA as amended, and any other information considered applicable and scientifically reliable.

(f) Hazardous substance sites which pose a potential substantial endangerment to human health and/or the environment but do not meet the criteria listed at paragraphs (C) or (D) of this section may be listed at § 30.302 (State Priority List (SPL) sites) of this regulation. Hazardous substance sites listed at § 30.302 will be eligible for investigation and necessary remedial action on a case-by-case basis as determined by the Director.

(g) Eligible expenditures at hazardous substance sites listed at § 30.302 of this regulation are those:

(1) Where investigatory activities are required to determine the extent and degree (if any) of the release or threat of release of a hazardous substance at the site and any scientific or engineering studies deemed necessary by the Director to determine available and necessary alternatives for remediation;

(2) Where remediation activities are required to adequately secure, contain, abate, treat, dispose, or control hazardous substances to the extent financially and technically feasible, as determined by the Director. Remediation activities shall include but are not limited to any

engineering design work necessary to adequately plan, design, and implement remedial measures.

(3) Where long term stewardship (i.e., operations and maintenance activities, to include five-year reviews) is required to ensure the long term effectiveness of the remedy implemented at the hazardous substance site.

(h) Hazardous substance sites may be listed at § 30.302 of this regulation based on:

- (1) Proximity to population centers;
- (2) Potential impacts to surface waters;
- (3) Potential impact to groundwater;
- (4) Hydrologic and geologic characteristics,
- (5) The toxicity and characterization of hazardous substances present;
- (6) The mobility of the hazardous substances present;
- (7) The attenuation of the hazardous substances present; and
- (8) Releases or threat of releases of the hazardous substances.

(i) Priority for available funding for hazardous substance sites listed at § 30.302 of this Regulation shall be as follows:

(1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously.

(2) Additional hazardous substance 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.

(j) The above shall not be construed to preclude or limit the authority of the Director in:

(1) Mandating actions, pursuant to Ark. Code, Ann. §§ 8-7-501 *et seq.* (the Hazardous Substance Remedial Action Trust Fund Act), deemed necessary to abate an imminent and substantial endangerment to the public health, safety, and welfare, or to the environment, or

(2) Ordering responsible parties to address and abate any release of a hazardous substance, pursuant to Ark. Code, Ann. §§ 8-7-501 *et seq.*

Reg. 30.105 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.

2.

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 § 30.104(c) of this regulation.

Reg.30.202 National Priority List Sites

EPA ID No.	AFIN	Site Name	Address/Location	City	County
ARD084930148	05-00003	ARKWOOD, INC.	HWY 65 1M S	OMAHA	BOONE
ARD980496186	34-00077	CECIL LINDSEY LANDFILL	35.637562 N; -91.230540 E	NEWPORT	JACKSON
ARD035662469	18-00131	GURLEY OIL PIT	35.119873 N; -90.312101 E	EDMONDSON	CRITTENDEN
ARD980496368	66-00268	INDUSTRIAL WASTE CONTROL	35.239293 N; -94.354493 E	JENNY LIND	SEBASTIAN
ARD980809941	43-00084	JACKSONVILLE (GRAHAM ROAD) MUNICIPAL LANDFILL	34.866382 N; -92.072375 E	JACKSONVILLE	PULASKI
ARD092916188	57-00060	MID-SOUTH WOOD PRODUCTS	HWY 71S 3 BLOCKS S-S REINE ST	MENA	POLK
ARD980745665	75-00049	OLD MIDLAND PRODUCTS	HWY 10 1/2 MIL E OF OLA	OLA	YELL
ARD980864110	28-00066	MONROE AUTO EQUIPMENT CO.	5 MI SW OF PARAGOULD	PARAGOULD	GREENE
ARD049658628	75-00008	MOUNTAIN PINE PRESSURE TREATING	HWY 28 E	PLAINVIEW	YELL
ARD042755231	52-00001	OUACHITA NEVADA WOOD TREATER	.25 MI N PF HWY 368 & MAIN	READER	OUACHITA
ARD008052508	70-00049	POPILE, INC.	SOUTHFIELD RD	EL DORADO	UNION
ARD981055809	60-00759	ROGERS ROAD MUNICIPAL LANDFILL	34.862234 N; -92.079085 E	JACKSONVILLE	PULASKI
ARD980496723	18-00130	SOUTH 8TH STREET LANDFILL	35.125641 N; -90.171356 E	WEST MEMPHIS	CRITTENDEN
ARD000023440	60-00028	VERTAC, INC.	1600 MARSHALL ST	JACKSONVILLE	PULASKI

3.

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 §§ 30.104(f) and (h) of this regulation.

Reg.30.302 State Priority List Sites

EPA ID No.	AFIN	Site Name	Address	City	ZIP	County
ARD983286337	10-00016	AMITY LACQUER PAINT & CHEMICAL MFG CO	HWY 8 4M N ON COUNTY RD 53	AMITY	71921	CLARK
ARD035434596	73-00022	ARKANSAS GENERAL INDUSTRIES	102 MILLER STREET	BALD KNOB	72010	WHITE
ARD982286957	47-00003	ARKANSAS WASTE-TO-ENERGY WAREHOUSE SITE	420 W PARSONS DRIVE	OSCEOLA	72370	MISSISSIPPI
ARD055684633	48-00033	BAIRD MANUFACTURING	HWY 79B & ANN ALDEN	CLARENDON	72029	MONROE
ARD006337620	72-00676	BALDWIN PIANO & ORGAN CO.	1101 S BEECHWOOD AVE	FAYETTEVILLE	72701	WASHINGTON
ARD980583470	52-00163	BEI DEFENSE SYSTEMS	HIGHWAY 274 12 MI E	EAST CAMDEN	71701	CALHOUN
ARD980812846	60-00642	BENTON SALVAGE	108 WILLOW ST	BENTON	72015	SALINE
ARD990660649	54-00068	CEDAR CHEMICAL CO	49 PHILLIPS RD 311	HELENA	72342	PHILLIPS
ARR000011106	63-00462	DANA MINTON PROPERTY	7125 ANDERSON ROAD	ALEXANDER	72002	SALINE
ARD035560507	60-01942	FASHION PARK CLEANERS	1101 CUMBERLAND ST	LITTLE ROCK	72202	PULASKI

ARD990661050	52-00355	GENERAL DYNAMICS CORP	204 OUACHITA 212, AIRPORT IND PARK	EAST CAMDEN	71701	OUACHITA
ARD981055494	70-00283	GRIFFING RAILWAY REPAIR	SCHOOL ST BOX 1735	EL DORADO	71730	UNION
ARD021354493	67-00078	HADCO OF ARKANSAS ONC	TOWER RD 2M S	GILLHAM	71841	SEVIER
ARR000004937	47-00264	HUNTCO/JMS	5027 N COUNTY RD 1015	BLYTHEVILLE	72315	MISSISSIPPI
None	43-00298	I CAN, INC	420 W ACADEMY ST	LONOKE	72086	LONOKE
None	35-00460	I. EASTER PROPERTY (OLD AP&L PLANT)	1400 W 4TH ST	PINE BLUFF	71601	JEFFERSON
ARD062144308	60-00642	JIMELCO	3400 S MAPLE STREET	LITTLE ROCK	72204	PULASKI
ARD051961829	72-00174	R&P ELECTROPLATING	2000 PUMP STATION RD	FAYETTEVILLE	72701	WASHINGTON
AR0000605322	37-00028	RED RIVER ALUMINUM	HWY 82 WEST	STAMPS	71860	LAFAYETTE
ARD071255202	60-00778	RIXEY IRON & METALS CO	8033 OLD JACKSONVILLE HWY	NORTH LITTLE ROCK	72117	PULASKI
ARR000011122	04-00342	SWIFT CHEMICAL CO FARM PROPERTY	2001 S 1ST ST	ROGERS	72756	BENTON
None	66-00163	TANKERSLEY/WHITE DAIRY	1009 GRAND AVE	FORT SMITH	72902	SEBASTIAN
ARD006341747	66-00145	UNITED STATES FORGECRAFT	95 S 3RD ST	FORT SMITH	72902	SEBASTIAN
AR0000100859	35-00419	UTILITY SERVICES, INC	10184 HWY 79S	PINE BLUFF	71603	JEFFERSON
ARD059634659	60-00650	VALSPAR	1900 E 145TH ST	LITTLE ROCK	72206	PULASKI
AR0000000331	10-00234	VALUE-LINE	701 S 3 RD STREET	ARKADELPHIA	71923	CLARK
AR0000000307	10-00118	VALUE-LINE	1205 N 10 th STREET	ARKADELPHIA	71923	CLARK

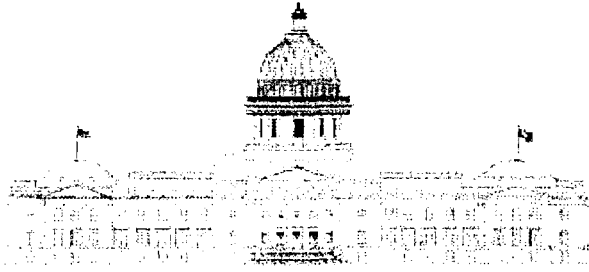
CHAPTER 4: EFFECTIVE DATE

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



OFFICE OF THE
SECRETARY OF STATE
STATE OF ARKANSAS

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 Department of Environmental Quality

Department Arkansas Pollution Control & Ecology Commission

Contact Ryan Benefield E-mail Benefield@adeq.state.ar.us Phone (501) 682-0831

Statutory Authority for Promulgating Rules A. C. A. § 8-7-501 et seq.

Rule Title: Regulation No. 30, Hazardous Substance Remedial Action Trust Fund Site Priority List; Docket No 08-013-R; Minute Order No. 08-40.

Intended Effective Date	Date
<input type="checkbox"/> Emergency	Legal Notice Published 09/02/08
<input checked="" type="checkbox"/> 10 Days After Filing	Final Date for Public Comment 09/16/08
<input type="checkbox"/> Other _____	Reviewed by Legislative Council 10/01/08
	Adopted by State Agency 12/05/08

Electronic Copy of Rule Provided on disk or CD (per Act 1478 of 2003)

Electronic Copy of Rule e-mailed from: _____

Contact Person	Email Address	Date
----------------	---------------	------

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 Phone Number omalley@adeq.state.ar.us E-mail Address

Administrative Hearing Officer Title
01/15/09 Date

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL

SUITE 205

LITTLE ROCK, ARKANSAS 72201

PHONE: (501) 682-7890

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JAN 15 2009

BUREAU OF
LEGISLATIVE RESEARCH

January 15, 2009

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

RE: Regulation No. 30, Hazardous Substance Remedial Action
Trust Fund Site Priority List; Docket No. 08-013-R - **FINAL**
FILING.

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, Hazardous Substance Remedial Action Trust Fund Site Priority List.
2. Two (2) copies of Commission Minute Order No. 08-40
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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For Office Use Only		
Effective Date:		Classification Number:
Name of Agency: Arkansas Department of Environmental Quality		
Contact Person: Ryan Benefield		Telephone: (501) 682-0831
Statutory Authority for Promulgating Rules: A. C. A. § 8-7-501 et seq.		
Title of Rule: Regulation No. 30, Hazardous Substance Remedial Action Trust Fund Site Priority List; Docket No 08-013-R; Minute Order No. 08-40.		
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	January 25, 2009
<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>January 15, 2009</u></p> <p>Title: <u>Administrative Hearing Officer</u></p>		

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

LOCATION - SUBJECT
Regulation No. 30

Docket No. 08-013-R

MINUTE ORDER NO. 08 -40

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 (Remedial Action Trust Fund Hazardous Substance Site Priority List) as detailed in the Final Rule submitted before the Commission.

PROMULGATED THIS 5th DAY OF DECEMBER, 2008, BY ORDER OF THE
ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

BY: William Thompson
William Thompson, Chair

ATTEST: Teresa Marks
Teresa Marks, Director

APPROVED: Mike Beebe
Mike Beebe, Governor

COMMISSIONERS:

LB L. Bengal
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CM C. McGrew
DS D. Samples
TS T. Schueck

JTS J. Shannon
LS L. Sickel
JS J. Simpson
WT W. Thompson
EV E. Valdez
BW B. White
RY R. Young

W. Thompson SUBMITTED BY: J.R. Benefield DATE PASSED: 12/5/2008
W. Thompson, Chair