

**QUESTIONNAIRE  
FOR FILING PROPOSED RULES & REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND THE  
JOINT INTERIM COMMITTEE**

**FROM:**

**AGENCY:** Arkansas Department of Environmental Quality  
**DIVISION:** Hazardous Waste Division  
**CONTACT PERSON:** Mike Bates  
**ADDRESS:** 8001 National Drive, P.O. Box 8913, Little Rock, AR 72219  
**PHONE NUMBER:** 682-0831 **FAX NUMBER:** 682-0565

**TO:** Attention: Donna Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Room 315, State Capitol  
Little Rock, Arkansas 72201

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**1. What is the short title of this rule?:** APC&EC Regulation No. 23 (Hazardous Waste Management); Addition of Mid-South Reclamation Industries, Inc., Smackover, Union County, to the Remedial Action Trust Fund State Priority List.

**2. What is the subject of the proposed rule?:** Addition of Mid-South Reclamation Industries, Inc. to the Remedial Action Trust Fund State Priority List.

**3. Is this rule required to comply with federal statute or regulations?** No.  
**If Yes, please provide the federal statute and or regulation citation:**

**4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?** No  
**If Yes, what is the date of the emergency rule?**  
**When does the emergency rule expire?**  
**Will this emergency rule be promulgated under the regular provisions of the Administrative Procedures Act?**

**5. Is this a new rule?** No – update of existing regulations.  
**Does this repeal an existing rule?** No  
**If yes, please provide a copy of the repealed rule.**

**Is this an amendment to an existing rule?** Yes  
**If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes.** Attached.

**6. What State or federal law or regulation grants the authority for this proposed rule?**  
Arkansas Remedial Action Trust Fund Act, A.C.A. §§ 8-7-201 *et seq.*  
APC&EC Regulation No. 23, § 26

**7. What is the purpose of this proposed rule? Why is it necessary?** Hazardous substance sites must be included on the Hazardous Substance Remedial Action Trust Fund Site Priority List before State funds may be expended for investigation of the extent and degree of a release or threat of release from the site, or for remedial actions to contain, abate, treat, treat, control, or dispose of any contamination at the site. ADEQ will be required to pay for costs of the remedial actions at the former Mid-South tire processing facility as well as assume responsibility for closure activities and operations and maintenance of the site.

**8. Will a public hearing be held on this proposed rule?** Yes.

**(If yes, state the date, time, and location of the public hearing.** Week of March 25, 2002, at the Department offices at 8101 Interstate 30, Little Rock.

**9. When does the public comment period expire?** 45 days following the initial publication of the proposed formal rulemaking. No comments were received.

**10. What is the proposed effective date of this rule?** June, 2002.

**11. Do you expect this rule be controversial?** No

**If yes, please explain.**

**12. Please give the names, addresses, and phone numbers of all persons, groups, organizations, etc. interested in or affected by this proposed rule and the position taken by each.**

Categorize them according to the following:

(A) Those you contacted.

(B) Those who contacted you.

(C) Those whom you anticipate will participate in the public hearing.

NAMES, ADDRESSES, & PHONE NUMBERS	CATEGORY	FOR	AGAINST
Responsible parties for the Mid-South facility	A, C		X
U.S. EPA Region VI	A, B	X	
Arkansas Environmental Federation	A, B		

**DEPARTMENT:** Arkansas Department of Environmental Quality

**DIVISION:** Hazardous Waste Division

**PERSON COMPLETING THIS STATEMENT:** Tammie J. Hynum

**TELEPHONE NO.** (501) 682-0876

**FAX NO.** (501) 682-0880

### **FINANCIAL IMPACT STATEMENT**

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE:** APC&EC Regulation No. 23 (Hazardous Waste Management); Addition of Mid-South Reclamation Industries, Inc. site to the Hazardous Substance Remedial Action Trust Fund Priority List.

1. **Does this proposed, amended, or repealed rule or regulation have a financial impact?** Yes.
2. **If you believe that the development of a financial impact statement is so speculative as to be cost-prohibitive, please explain.** N/A
3. **If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing this regulation.**

**2001-2002 Fiscal Year**

General Revenue:

Federal Funds:

Cash Funds:

Special Revenue: \$1.03 million

Other:

**Total: None additional**

**2002-2003 Fiscal Year**

General Revenue:

Federal Funds:

Cash Funds:

Special Revenue:

Other:

**Total: None additional**

4. **What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?**

**2001-2002 Fiscal Year**

N/A

**2003-2004 Fiscal Year**

\$ 1.03 million (litigation & cost recovery)

5. **What is the total cost by fiscal year to the agency to implement this regulation?**

**2002-2003 Fiscal Year**

\$1.03 Million

**2003-2004 Fiscal Year**