

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT: Regulation No. 23,
Emergency Rule**

LIS No. 02-148

DOCKET No. 02-010-R

MINUTE ORDER NO. 02 - 28

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On October 24, 2002, the Arkansas Department of Environmental Quality filed a Petition to Adopt an Emergency Rule to Amend Regulation No. 23, Hazardous Waste Management Regulation, and to Initiate Rulemaking. The Petition has been designated as Docket No. 02-010-R.

Having considered the Petition, the proposed amendments to Regulation No. 23, the Arkansas Pollution Control and Ecology Commission finds as follows:

1. Cedar Chemical Corporation is a closed chemical manufacturing, located at 49 Phillips Road 311 in West Helena, Phillips County, Arkansas. The facility consists of five production units and support facilities, an office building and a biological treatment system.
2. Cedar and previous operators at the site manufactured various agricultural chemicals and organics including insecticides, herbicides, polymers, and organic intermediates.
3. Cedar entered into a Consent Administrative Order ("CAO") with ADEQ in July 1991 to investigate and remediate environmental contamination at and migrating from the facility.
4. Investigations under the CAO documents buried drums of chemical wastes, as well as significant impacts to surface soils, subsurface soils, surface water, and ground water at concentrations which could pose an unacceptable risk to humans under various exposure scenarios.
5. Interim Measures implemented by Cedar were undertaken to aid in the control of ongoing sources of contamination.
6. Final remediation activities have not been implemented.
7. Cedar Chemical Corporation filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code. Further, Cedar filed a motion with the Bankruptcy Court to abandon the site.
8. The Court granted the abandonment on October 18, 2002.
9. The ADEQ issued an Emergency Order on October 18, 2002 due to the presence of chemicals remaining on the site, the unsecured nature of the site and the potential for uncontrolled releases of contaminated storm water from the site.

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10. The site is a hazardous substance site as defined at A.C.A. § 8-7-503.
11. The anticipated costs for containing and securing the site will rapidly deplete appropriations available under the Emergency Response Trust Fund Act to address other emergency situations in the State.
12. The Hazardous Substance Remedial Action Trust Fund ("RATFA") has more substantial funding and appropriations available and is an appropriate source to fund ongoing actions at the site.
13. The Commission finds the a state of imminent peril and endangerment to the public health, safety, and welfare and to the environment exists due to the bankruptcy and abandonment of the Cedar Chemical Corporation facility in West Helena, Phillips County, Arkansas.

THEREFORE, an emergency rule is promulgated as follows:

Arkansas Pollution Control & Ecology Commission Regulation No. 23, (Hazardous Waste Management) Section 27, paragraph (b), is amended to read as follows:

SECTION 27

HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND PRIORITY LIST

* * * *

(b) *State priority List (SPL) Sites:*

(1) Investigation category

- (A) Benton Salvage, Benton
- (B) Utility Services, Inc., Pine Bluff
- (C) Jimelco, Little Rock
- (D) Rixey Iron & Metals Company, North Little Rock
- (E) Griffing Railway Repair, El Dorado
- (F) Leachville Metal Plating, Leachville
- (G) Mountain Pine Pressure Treating, Plainview
- (H) R&P Electroplating, Fayetteville
- (I) Baird Manufacturing, Inc. Clarendon
- (J) Amity Lacquer Paint and Chemical Manufacturing Company, Amity
- (K) Red River Aluminum, Stamps
- (L) Cedar Chemical Corporation, West Helena

(2) Remediation Category

- (A) Vertac Chemical Corporation, Jacksonville

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- (B) Benton Salvage, Benton
- (C) Garland County Industrial Landfill, Hot Springs
- (D) Utility Services, Inc., Pine Bluff
- (E) Jimelco, Little Rock
- (F) Rixey Iron & Metals Company, North Little Rock
- (G) Griffing Railway Repair, El Dorado
- (H) Leachville Metal Plating, Leachville
- (I) Mountain Pine Pressure Treating, Plainview
- (J) R&P Electroplating, Fayetteville
- (K) Baird Manufacturing, Inc. Clarendon
- (L) Amity Lacquer Paint and Chemical Manufacturing Company, Amity
- (M) Red River Aluminum, Stamps
- (N) Cedar Chemical Corporation, West Helena**

PROMULGATED THIS 25th DAY OF OCTOBER, 2002, BY ORDER OF THE ARKANSAS
POLLUTION CONTROL AND ECOLOGY COMMISSION


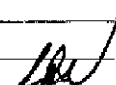

BY: 
Bootsie Ackerman, Chair


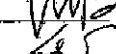

ATTEST: 
Marcus C. Devine, Director


APPROVED: 
Mike Huckabee, Governor

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B. Ackerman, Chairman

SUBMITTED BY: Mike Bates

DATE PASSED: 10/25/02