

**ARKANSAS POLLUTION CONTROL
Fund
AND ECOLOGY COMMISSION**

SUBJECT: Emergency Response Trust

ADEQ Director Expenditure
Authorization

MINUTE ORDER NO. 02 - _____

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The Commission finds that 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. The ADEQ Director issued an Emergency Order on October 18, 2002 to contain and abate the threat of uncontrolled releases from the facility and to provide site access control. The Director's authority for expenditures from the Emergency Response Trust Fund is limited to \$60,000 without authorization from the Commission.

Actions have been initiated to provide the ADEQ access to monies from the Remedial Action Trust Fund. However, there exists the possibility that the Director's initial spending authorization may be reached before other sources of funds will be available. A lapse in funding for continuing containment and security services would create an imminent threat to public health, safety, and welfare.

THEREFORE, the Commission approves the Director to exceed the \$60,000 limit pursuant to A.C.A 8-7-411(b). This approval shall expire upon the effective date of the Emergency Rule to place the Cedar Chemical Corporation facility on the Remedial Action Trust Priority List.

BY: _____
Bootsie Ackerman, Chair

COMMISSIONERS:

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SUBMITTED BY: Mike Bates

DATE PASSED: 10/25/2002