

**BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**IN THE MATTER OF:
REMEDIAL ACTION TRUST FUND PRIORITY LIST
ADDITION; CEDAR CHEMICAL CORPORATION
WEST HELENA, PHILLIPS COUNTY**

DOCKET No. 02-____R

**PETITION TO PROMULGATE AN EMERGENCY RULE AND INITIATE STANDARD
RULEMAKING**

Petitioner, the Hazardous Waste Division of the Arkansas Department of Environmental Quality, (hereinafter “ADEQ” or “Department”) and for its Petition to promulgate Emergency Rulemaking and to Initiate Standard Rulemaking to add the Cedar Chemical Corporation facility located in West Helena, Phillips County, Arkansas, to the Investigation and Remediation categories of the Hazardous Substance Remedial Action Trust Fund Priority List (“Priority List”) set forth in the Arkansas Pollution Control & Ecology Commission’s Regulation No. 23 (Hazardous Waste Management), Section 27(b).

1. Cedar Chemical Corporation (hereinafter “Cedar”) is a closed chemical manufacturing facility located at 49 Phillips Road 311 in West Helena, Phillips County, Arkansas. This site consists of approximately 48 acres located on Highway 242, one mile southwest of the intersection of U.S. Highway 49 and Highway 242. The facility consists of five production units and support facilities, an office building, and a biological treatment system. Active processes were conducted on approximately 20 acres of the site. The remainder of the site contains biological treatment ponds and closed surface impoundments.

2. ADEQ and Cedar entered into a Consent Administrative Order (CAO), LIS No. 91-118 dated July 11, 1991. The statement of purpose for the CAO was for Cedar to remove buried drums and to carry out closure of said burial area; to prepare and submit a Description of Current Conditions Report; and to develop and implement a facility investigation work plan. An Amended CAO was entered into on March 24, 1992. The statement of purpose for the Amended CAO was for Cedar to complete removal of buried drums and contaminated soil located at two separate locations on the Cedar site and to carry out closure of such burial areas. The Investigation conducted by Cedar concluded significant impacts to surface soils, surface water, ground water, and subsurface soils resulted from operations consisting of volatile organic

compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, and metals in concentrations greater than background, at concentrations that could continue to contribute to groundwater contamination, and at concentrations which could pose an unacceptable risk to humans under various exposure scenarios. Interim Measures, including removal of old buried wastes have been implemented by Cedar to aid in the control of on-going sources of contamination.

3. Hazardous substances detected in soils at concentrations greater than risk-based screening criteria include Arsenic, Cadmium, Mercury, Aldrin, Dieldrin, Dinoseb, Heptachlor, Methoxychlor, Toxaphene, 3,4-Dichloroaniline, Propanil, Chloroform, 1,2-Dichloroethane, Methylene Chloride, and Pentachlorophenol. Hazardous substances detected in groundwater at concentrations greater than risk-based screening criteria and/or MCLs include Arsenic, Barium, Cadmium, Chromium, Lead, 4,4'-DDT, Alpha BHC, 1,4-Dichlorobenzene, 2,6-Dinitrotoluene, 3,4-Dichloroaniline, 4-Chlorozniline, Dinoseb, bis(2-Chloroethyl)ether, 1,2-Dichloroethane, 4-Methyl-2-Pentanone, 2-Methylphenol, Acetone, Benzene, Chloroform, Methylene Chloride, Trichloroethene, 1,1,2-Trichloroethane, 1,2-Dichloropropane, Bromodichloromethane, Bromoform, Chlorobenzene, Dibromochloromethane, and Toluene.

4. On March 8, 2002, Cedar filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code with the United States Bankruptcy Court for the Southern District of New York ("the Court"). Site inspections conducted by ADEQ personnel on June 4, 2002 confirmed that manufacturing operations at the Cedar site had ceased. On August 29, 2002, Cedar filed a motion with the Court to abandon the chemical manufacturing site. The Court granted the abandonment on October 18, 2002.

5. Temporary actions have been initiated for storm water containment and site access control by ADEQ under an Emergency Order issued on October 18, 2002.

6. Actions undertaken through the ADEQ initiated CAO to compel the Cedar Chemical Corporation to address remediation of the site were not completed due to the bankruptcy and abandonment of the site. The Department is therefore seeking to address and clean up the site under provisions of the Arkansas Remedial Action Trust Fund Act ("RATFA"). ADEQ intends

to pursue other Potentially Responsible Parties (“PRPs”) to conduct the necessary remedial actions and/or recover Trust Fund expenditures associated with the site.

7. Provisions of the Arkansas Remedial Action Trust Fund Act (Arkansas Code, Annotated, § 8-7-509(e) and APC&EC Regulation No. 23, § 26(b)) require that before any moneys from the Remedial Action Trust Fund are expended on a hazardous substance site, that site must be listed on the Priority List in Regulation No. 23, § 27. This Department proposes that the Cedar Chemical Corporation site be added to the Priority List in order to fund a timely response to the hazards posed by current conditions at this site.

8. Therefore the Department requests that the Arkansas Pollution Control & Ecology Commission: (a) adopt an Emergency Rule placing the Cedar Chemical Corporation site on the Hazardous Substance Remedial Action Trust Fund Priority List, and (b) initiate the standard rulemaking process for adopting, as a permanent rule, the addition of the Cedar Chemical Corporation site to the Hazardous Substance Remedial Action Trust Fund Priority List. Proposed Minute Orders which initiates the requests in this matter are attached at Exhibits “A” and “B.”

WHEREFORE, the Department requests that the Arkansas Pollution Control and Ecology Commission adopt the proposed scheduling minute orders here attached, and adopt an Emergency Rule and additionally initiate the standard rulemaking process to list the facility on the Hazardous Substance Remedial Action Trust Fund Priority List for investigation and remediation under the provisions of and funding via the Arkansas Remedial Action Trust Fund Act.

Respectfully submitted,

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