



A R K A N S A S
Department of Environmental Quality

DATE: October 24, 2003
TO: SEE DISTRIBUTION
FROM: Tom Ezell
RE: Regulation No. 30, Responsive Summary

SUMMARY: The Arkansas Pollution Control and Ecology Commission is promulgating APC&EC Regulation No. 30 (Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List).

PUBLIC NOTICE: A public hearing was held at Little Rock on August 6, 2003, to receive comments on these revisions as proposed on June 27, 2003. No comments were received during the public comment period.

STATEMENT OF BASIS AND PURPOSE

Under the provisions of Arkansas Code, Annotated, § 8-7-509(e)(1), monies from the Arkansas Hazardous Substances Remedial Action Trust Fund may not be expended without the approval of the Arkansas Pollution Control and Ecology Commission of a prioritized list of sites at which these fund may be used. This prioritized list, the Hazardous Substances Remedial Action Trust Fund Priority List ("RATFA Priority List") was previously contained in Regulation No. 23, Section 27. At the time the RATFA Priority List was added to Regulation No. 23, the contents of the list rarely changed. However, an accelerated approach to addressing these sites under the Remedial Action Trust Fund Act in the past several years has resulted in sites being added or deleted from the list several times each year. Each amendment to the Priority List necessitates an amendment to Regulation No. 23. The need to frequently add or delete hazardous substance sites from the RATFA Priority List in order to alleviate the hazards they pose in a timely manner has created a significant logistical problem in re-publishing Regulation No. 23 each time. To manage the RATFA Priority List more efficiently and significantly reduce the associated costs, the Department proposed to remove the List from Regulation No. 23 and publish it as a separate regulation, Regulation No. 30 (Arkansas Hazardous Substance Remedial Action Trust Fund Priority List). Establishing the Priority List as a separate, single-issue regulation would achieve a significant cost savings (approximately \$2,500 per rulemaking, based on the costs to print copies for filing with State offices as well as a minimum number of copies for distribution to the public and Department staff) and would focus squarely on the issue at hand – the Department's need to be able to update the list as needed while avoiding the need to reprint more than 750 pages at each revision.

PUBLIC COMMENTS AND RESPONSIVE SUMMARY

No comments were received on this proposed Regulation during the public comment period.

FOR FURTHER INFORMATION, CONTACT: For general information, contact the Department offices at (501) 682-0744. For information on these revised rules and Regulation No. 23, contact Tom Ezell, Hazardous Waste Division, (501) 682-0876.