

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
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INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201**

- 1. **What is the short title of this rule?** APC&EC Regulation No. 30 (Hazardous Substance Remedial Action Trust Fund Priority List); Addition of U.S. Forgecraft electroplating facility, Fort Smith, Sebastian County, to the Remedial Action Trust Fund Priority List.
- 2. **What is the subject of the proposed rule?** Addition of U.S. Forgecraft to the Remedial Action Trust Fund State Priority List.
- 3. **Is this rule required to comply with federal statute or regulations?** Yes _____ No _____
If yes, please provide the federal regulation and/or statute citation.
- 4. **Was this rule filed under the emergency provisions of the Administrative Procedure Act?**
Yes X No _____

If yes, what is the effective date of the emergency rule? March 26, 2004.

When does the emergency rule expire? September 26, 2004

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X - it will be promulgated pursuant to A.C.A. § 8-4-202

- 5. **Is this a new rule?** Yes _____ No X If yes, please provide a brief summary explaining

the regulation.

Does this repeal an existing rule? Yes _____ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. **Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.** Arkansas Remedial Action Trust Fund Act, A.C.A. §§ 8-7-501 et seq.; Arkansas Water and Pollution Control Act, A.C.A. § 8-4-203(e); APC&EC Regulation No. 23, § 27
7. **What is the purpose of this proposed rule? Why is it necessary?** Hazardous Substance sites must be included on the Hazardous Substance Remedial 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, control, or dispose of any contamination at the site. An imminent and immediate hazard to human health and the environment was created at the U.S. Forgecraft facility in Fort Smith in March, 2004, due to bankruptcy and abandonment of the site. The remaining appropriation in the Hazardous Substance Emergency Response Fund was insufficient to adequately address the hazards posed at the site, and the site was added to the RATFA Priority List in order to authorize the use of Remedial Action Trust Fund in order to investigate and cleanup the site. Standard rulemaking, while being pursued in parallel to this action, does not provide timely access to funds to address the conditions at the site.
8. **Will a public hearing be held on this proposed rule?** Yes X No _____
If yes, please complete the following:
Date: Week of May 3, 2004
Time: To be announced
Place: Offices of the Arkansas Department of Environmental Quality
9. **When does the public comment period expire for permanent promulgation?** (Must provide a date.)
On or about May 15, 2004
10. **What is the proposed effective date of this proposed rule?** (Must provide a date.)
on or about August 1, 2004
11. **Do you expect this rule to be controversial?** Yes _____ No X If yes, please explain.
12. **Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.**

Responsible Parties for the U.S. Forgecraft Site
U.S. EPA Region VI

Unknown
For