

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

IN THE MATTER OF:

DOCKET No. 05-002-R

REGULATION NO. 30 (HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND PRIORITY LIST) ADDITION; OUACHITA-NEVADA WOOD TREATER, GENERAL DYNAMICS CORPORATION; AND ON-CALL CONTRACT ASSESSMENT SITES

PETITION TO INITIATE RULEMAKING

Petitioner, the Hazardous Waste Division of the Arkansas Department of Environmental Quality, (hereinafter “ADEQ” or “Department”) submits its Petition to initiate rulemaking to add the Ouachita-Nevada Wood Treater site to the list of National Priority List sites at Section 30.202; to add the General Dynamics site to the Investigation and Remediation categories at Section 30.302(A) and (B) respectively; and to add seven sites to the Investigation category (Section 30.302(A)) of the Hazardous Substance Remedial Action Trust Fund Priority List (“Priority List”) set forth in the Arkansas Pollution Control & Ecology Commission’s Regulation No. 30 (Hazardous Substance Remedial Action Trust Fund Priority List).

STATEMENT OF BASIS AND PURPOSE:

1. The Arkansas Remedial Action Trust Fund Act (A.C.A. §§ 8-7-501 *et seq.*) provides authority and monies for the identification, investigation and remediation of hazardous substances sites within the State. A site must be listed on the appropriate sub-listing of the Hazardous Substance Remedial Action Trust Fund Priority List contained in Regulation No. 30 before any monies from the Remedial Action Trust Fund may be expended for non-emergency investigation or remedial activities at that site.

2. The Arkansas Department of Environmental Quality has executed contracts with two environmental engineering firms to complete Comprehensive Site Assessments (“CSAs”) at specific hazardous substance sites in Arkansas on an on-call basis as part of the process to evaluate the possible impacts at these sites to human health and the environment. These activities will be funded by a federal cooperative agreement under EPA’s Brownfields State and Tribal Assistance Grant program

(CERCLA § 128(a)) and by state direct and matching funds from the Arkansas Remedial Action Trust Fund. The Department proposes that the following sites be added to the Investigative category of the State Priority List in order to identify the nature and extent of health and other environmental risks which may be posed by these sites:

(a) **Fashion Parks Cleaners**

Description: An abandoned commercial laundry and dry cleaning operation located in a current residential/commercial area on less than 1 acre.

Location: Little Rock, AR; 1101 Cumberland Street

History: Residence in 1897. Water bottling company in 1939. Laundry and dry cleaning operation from 1950's to 2003.

Possible Threat: Confirmed dry cleaning and industry-related chemicals in the ground and groundwater, and possibly impacting offsite residential properties. Extent of contamination in or on soils, sediments, waters, air and facility structures/equipment unknown.

CSA Work To Do: Complete Phase I/Phase II/CSA Evaluation and Report

CSA Cost Est.: \$164,000

(b) **AP&L/Easter Property**

Description: Decommissioned electrical power plant in a current mixed use area (residential/commercial/industrial) on less than 1 acre.

Location: Pine Bluff, AR; 1400 W 4th Street

History: Electrical generating power plant from approximately 1913 to 1974. Unknown metals service business from 1974 to 1987. Warehouse use from approximately 1968 to 1974 and possibly 1987 to recent times – types and quantities of stored materials unknown.

Possible Threats: Contamination from or related to fuel oil, underground storage tanks, transformers, 55-gallon drums with unknown contents, metal business operations, and asbestos. Extent of contamination in or on soils, sediments, waters, air and facility structures/equipment unknown.

CSA Work To Do: Complete Phase I/Phase II/CSA Evaluation and Report

CSA Cost Est.: \$77,000

(c) **Tankersley/White Dairy**

Description: Closed commercial dairy and meat product processing facility (ice cream and frozen foods) in a current commercial area, located on less than 1 acre previously occupied by a commercial gasoline station.

Location: Fort Smith, AR; 1009 Grand Avenue

History: Family-operated dairy and meat process operation since 1930s. Closed in 1997. Gasoline stations present on site between 1925 and 1971. Other businesses on site: Fort Smith Packing Company (1928 - ??); an auto service garage (1936 – mid 1940's); Bourland Cap Ice, Inc. (1940 - ??).

Possible Threat: Contamination from some oils spilled, process waters discharged to city sewer, and underground storage tanks. Confirmed petroleum chemicals in soil and groundwater. Extent of contamination in or on soils, sediments, waters, air and facility structures/equipment unknown.

CSA Work To Do: Phase II/CSA Evaluation and Report
CSA Cost Est.: \$90,000

(d) **Hadco**

Description: An abandoned ferrous metal electroplating operation located in a current light industrial/residential area on 17 acres

Location: Gillham, AR; Tower Road

History: Ferrous metal electroplating operation from 1980 to 1993 using solution of chromium, cadmium and cyanide. Waste acids and plating solutions were stored throughout the site.

Possible Threat: Contents of abandoned tanks, and possible sediments in nearby pond. Extent of contamination in or on soils, sediments, waters, air and facility structures/equipment unknown.

CSA Work To Do: Phase II/CSA Evaluation and Report
CSA Cost Est.: \$84,000

(e) **Huntco/JMS**

Description: Bankrupted/abandoned steel manufacturing operation located in an industrial area on approximately 125 acres.

Location: Hickman, AR; 5027 N. County Road 1015

History: Steel manufacturing began operations in 1992. Cold roll mill began operation in 1994. Pickling/Cold Steel Building constructed in 1994. All steel manufacturing ceased in 2002.

Possible Threat: Use of pickling liquors and acids. Confirmed subsurface heavy metal contamination in and around the facility proper. Possible solid/hazardous dump area on portion of property. Extent of contamination in or on soils, sediments, waters, air and facility structures/equipment unknown.

CSA Work To Do: Complete Phase I/Phase II/CSA Evaluation and Report
CSA Cost Est.: Huntco: \$235,000 JMS: \$239,000

(f) **I Can, Inc.**

Description: A former health care facility located in a current commercial area.

Location: Lonoke, AR; 420 West Academy Street.

History: Business or owner names changes: J.O. Bennetts transfer to Health Care Partnership in 1986; then to I Can, Inc. in 1994.

Possible Threat: Possible heavy metals and asbestos contamination. Any other contaminants and extent of contamination unknown.

CSA Work To Do: Complete Phase I/Phase II/CSA Evaluation and Report
CSA Cost Est.: \$66,000

(g) **Butler Elementary School**

Description: A former elementary school.

Location: Madison, AR, School Drive
History: Former elementary school and potential other.
Possible Threat: Possibly heavy metals and asbestos contamination. Any other contaminants and extent unknown.
CSA Work To Do: Complete Phase I/Phase II/CSA Evaluation and Report
CSA Cost Est.: \$66,000

3. The Department requests the addition of the following site to both the Investigative and Remediation categories of the State Priority List in order to investigate the perception of contamination, address and remediate any existing risks to human health and the environment, and expeditiously return the property to productive use:

General Dynamics Corporation

Description: Former defense-related manufacturing facility in an industrial park on approximately 30 acres.
Location: East Camden, 204 Ouachita 212. Ouachita County.
History: General Dynamics operated a manufacturing facility used for defense-related contracts beginning in 1974. The facility produced guidance and control sets for missiles and performed other electronics sub-assembly work. The facility was last operated by Hughes Missile Systems. In 1995, General Dynamics sold the facility to the Ouachita County Public Facilities Board. The facility has subsequently been sold to Highland Industrial Park.
Possible Threat: Contamination of soil and groundwater (both on-site and off-site) primarily from trichloroethene (TCE), trichloroethane (TCA), dichloroethene (DCE), and trichloromethane (TCM). Extent of contamination in or on soils, sediments, waters, air, and facility structures and equipment is currently unknown.
Work to Do: Groundwater investigation and monitoring, with additional soil, surface water and groundwater investigation and sampling. Risk assessment and evaluation. Remedial activities are contingent upon findings and results of investigations.
Estimated Costs: Investigation: Approximately \$240,000. Remediation: If required, estimated at \$50,000 to \$100,000 over a five to ten-year period, respectively.

4. The Department requests the addition of the following site to the listing of National Priority List Sites at Section 30.202:

Ouachita-Nevada Wood Treater

Description: Inactive wood treating facility on 5 acres located in rural woodlands/wetlands with sparse residential areas north and south of the facility. Drainage from the site flows into an unnamed intermittent tributary located west of the site which drains into Caney Creek approximately 1 mile northwest of the site.

Location: ¼ mile north of Reader, Ouachita County, Arkansas.

History: Facility operated as a saw mill from 1946 to 1987. From 1957 until 1972, the facility treated wood with pentachlorophenol (PCP). In 1972, the facility switched from PCP to a water solution of chromate, copper, and arsenic (CCA). Later a “black oil” mixture of diesel and motor fuel oil was used in place of the CCA. In 1985, the owner declared bankruptcy. EPA added the site to CERCLA National Priority List on May 11, 2000

Threats: On-site and off-site contamination of soils, sediment, and groundwater with soil contaminated with PCP concentrations as high as 738 mg/kg, arsenic contamination as high as 4,500 mg/kg, and chromium contamination at 2,210 mg/kg.

Previous Work: Based on the Removal Assessment conducted in 1999, the EPA conducted a time-critical removal action in April 2000. Following completion of the time critical removal action, EPA conducted an Engineering Evaluation/Cost Analysis (EE/CA) which began in November 2000. Sampling results from the EE/CA concluded that additional groundwater investigation was warranted at the site. EPA began a Remedial Investigation/Feasibility Study (RI/FS) in October 2001 with the main focus to determine the extent of groundwater contamination.

Work To Do: Remedial Investigation (RI) approved; Feasibility Study (FS) currently in final review. EPA and ADEQ anticipate approval and issuance of a final Record of Decision (ROD) in fall of 2005.

Upon implementation of the ROD for this site, ADEQ must fund 10% of the costs for implementing the selected remedy, as well as 100% of the costs of post-closure operations and maintenance of the site from the Remedial Action Trust Fund. Addition of this site to Regulation No. 30's NPL Priority List will authorize the Department to carry out its responsibilities under the Record of Decision.

5. *Compliance with Executive Order 05-04:* Regulation No. 30 specifically addresses the Commission's oversight and authorization of expenditures from the State's trust fund for the investigation and clean-up of abandoned hazardous substance sites, and the provision of State matching funds for the remediation and follow-on operation and monitoring of such sites which have been cleaned up under the Federal Superfund program. As such, the provisions of this regulation do not affect small businesses pursuant to the provisions of Executive Order 05-04.

6. Therefore, the Department requests that the Arkansas Pollution Control & Ecology Commission initiate the rulemaking process for addition of the Ouachita-Nevada Wood Treater site to the National

Priority List; the General Dynamics site to the Investigative and Remediation categories, and the seven sites named above to the Investigation category of the Hazardous Substance Remedial Action Trust Fund Priority List. A marked-up copy of the proposed regulation showing each requested revision is attached at Exhibit "A." A copy of the completed economic impact/environmental benefit analysis pursuant to Regulation No. 8.3.5.2 is attached at Exhibit "B." The questionnaire for filing proposed rules and regulations with the Arkansas Legislative Council and Joint Interim Committee is attached at Exhibit "C." The legislative Financial Impact Statement is attached at Exhibit "D." A proposed Minute Order which initiates this request is attached at Exhibit "E."

WHEREFORE, the Department requests that the Arkansas Pollution Control and Ecology Commission adopt the proposed scheduling minute order here attached, and initiate the rulemaking process to list these facilities on the Hazardous Substance Remedial Action Trust Fund Priority List under the provisions of and funding via the Arkansas Remedial Action Trust Fund Act.

Respectfully submitted,

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