

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

**IN THE MATTER OF AMENDMENTS TO)
REGULATION No. 30; ARKANSAS)
HAZARDOUS SUBSTANCES REMEDIAL)
ACTION TRUST FUND PRIORITY LIST)**

DOCKET NO. 08-013-R

**PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 30,
HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND PRIORITY LIST**

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 30, Hazardous Substance Remedial Action Trust Fund Priority List, states:

1. Act 479 of 1985, the Arkansas Remedial Action Trust Fund Act, (A.C.A. § 8-7-509(f)(1) requires the establishment and annual update of a prioritized list of hazardous substance sites at which the Commission may authorize the expenditures from the Remedial Action Trust Fund for the investigation, cleanup, and long term stewardship of these sites. This petition seeks to amend and update this list for sites within Arkansas that meet the criteria for listing on EPA’s National Priority List (NPL) and require matching funds from the state for cleanup as well as long term care and stewardship, as well as those sites which require address using state funding and or oversight.
2. The proposed regulatory amendments include:
 - (a) Adding language to establish the process and related requirements for listing a site on the National and State Priority Lists in this

Regulation. These provisions currently appear in Regulation No. 23, and will be deleted from that regulation during the next amendment to Regulation No. 23.

(b) Listing all National Priority List sites in Arkansas at Section 30.301 of this regulation, to ensure that all sites are eligible for funding for costs of long term stewardship (e.g., operations & maintenance activities and/or oversight and five-year reviews) under the Department's responsibility and oversight as EPA-funded remedial activities are completed.

(c) Amending Section 30.302 to consolidate the separate categories for investigation and remediation to a single list addressing both activities in order to streamline response actions at listed sites.

(d) Proposing ten (10) sites for deletion from the State Priority List as remedial actions have been completed to the extent that the sites no longer pose a threat to human health and/or the environment under the provisions of the Remedial Action Trust Fund Act, or that the site is currently being addressed on the National Priority List and included in a separate section of the regulation.

(e) Proposing six (6) sites for addition to the State Priority List for investigation, characterization, and remediation as may be needed.

3. Line-by-line details of the proposed revisions are listed at Exhibit "A."

4. Site-by-site summaries for the sites proposed for deletion and addition to the State Priority List are contained in the Statement of Basis & Purpose at Exhibit “B”.
5. *Compliance with Act 143 of 2007 (formerly Executive Order 05-04):* Act 143 of 2007 is not applicable to rules that are federally mandated, or that substantially codify existing state or federal laws. ADEQ determines that Act 143 of 2007 is not applicable to this proposed rule because the amendments to Regulation No. 30 exclusively codify existing state law pursuant to Act 479 of 1985, as amended, as codified at A.C.A. § 8-7-509(f)(1). (Ark. Code of 1987, Ann., § 25-15-302(a)(1)(C)). Regulation No. 30 does not impose any additional costs or obligations to businesses, small or otherwise, in addition to any liability for environmental contamination and cleanup for which they are responsible under other federal and state laws.
6. Ryan Benefield, Chief, Hazardous Waste Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. The required Statement of Basis and Purpose for amending the Regulation is enclosed 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 statement concerning compliance with the provisions of Act 143 of 2007 is

attached at Exhibit "E." A copy of the completed economic impact/environmental benefit analysis pursuant to Regulation No. 8.3.5.2 is attached at Exhibit "F." A copy of the Economic Impact Statement and Regulatory Flexibility Analysis required by the Arkansas Department of Economic Development pursuant to Act 143 of 2007 is included at Exhibit "G." A proposed Minute Order which initiates this request is attached at Exhibit "H."

WHEREFORE, the ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed amendments to Regulation No. 30 for public notice and comment.

Respectfully submitted,



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Arkansas Department of Environmental Quality

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