

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

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

DOCKET NO. 09-006-R

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

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the “Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 30, Arkansas Remedial Action Trust Fund Hazardous Substances Site 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) Proposing six (6) sites for deletion from the State Priority List as remedial actions have been completed to the extent that the sites no longer pose an unacceptable risk to human health and/or the environment under the provisions of the Remedial Action Trust Fund Act, or the site is currently being addressed on the National Priority List and included in a separate section of the regulation.

(e) Proposing four (4) 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 attached at Exhibit “A.”

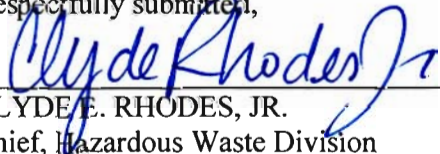
4. *Compliance with Act 143 of 2007 (formerly Executive Order 05-04)*: The Act is not applicable to rules that are federally mandated, or that substantially codify existing state or federal laws. (Ark. Code of 1987, Ann., § 25-15-302(a)(1)(C)). ADEQ determines that Act 143 of 2007 is not applicable to this proposed rule because the amendments to Regulation No. 30 substantially codify existing state law pursuant to A.C.A. § 8-7-509(f)(1). (A.C.A. § 25-15-302(a)(2)(C)). Regulation No. 30 does not impose any additional costs or obligations to businesses, small or otherwise. Liability for environmental contamination and cleanup for which they are responsible would be assessed under other federal and state laws.

6. Clyde Rhodes, 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 questionnaire for filing proposed rules and

regulations with the Arkansas Legislative Council and Joint Interim Committee is attached at Exhibit "B." The Legislative Financial Impact Statement is attached at Exhibit "C." A statement concerning compliance with the provisions of Act 143 of 2007 is attached at Exhibit "D." A copy of the completed economic impact/environmental benefit analysis pursuant to Regulation No. 8.812 is attached at Exhibit "E." 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 attached at Exhibit "F." A summary of proposed changes and summary sheets for each site proposed to be added or deleted is attached 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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