

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. 11-008-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, Ark. Code Ann. § 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 the U.S. Environmental Protection Agency’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, oversight, or both.

2. The proposed regulatory amendments include proposing five (5) 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 or the environment under the provisions of the Remedial Action Trust Fund Act. One (1) new site is proposed for addition to the SPL.

3. The proposed revisions are attached at Exhibit “A.”

4. 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 addressing 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.” Summary sheets for each site proposed to be added or deleted are attached at Exhibit “G.” A proposed Minute Order which initiates this request is attached at Exhibit “H.”

5. Regulation No. 30 does not impose any additional costs or obligations to private businesses, small or otherwise. Liability for environmental contamination and cleanup for which they are responsible would be assessed under other federal and state laws; costs for investigation, characterization, and remediation of sites listed on the State Priority List are paid using state funds from the Remedial Action Trust Fund Act.

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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