

**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. 13-002-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. 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 which may require matching funds from the state for cleanup as well as long term care and stewardship, as well as those sites which must be addressed using state funding and oversight.

2. The proposed regulatory amendments include proposing to move one site (Cedar Chemical Company, near Helena-West Helena in Phillips County) from the State Priority List to the National Priority List; and proposing five (5) additional sites (Amity Lacquer & Paint, Hadco of Arkansas, Jimelco, R&P Electroplating, and Swift Chemical Farm Site) for deletion from the State Priority List. Remedial actions at the sites proposed for deletion have been completed to the extent that these sites no longer pose an unacceptable risk to human health or the environment. In the case of Cedar Chemical Company, this site has been approved for inclusion on the federal National Priority List and will receive further investigation and remediation under the federal Superfund program (see 77 *FR* 57503).

3. The proposed revisions are attached as Exhibit "A."

4. Tammie Hynum, 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 as Exhibit "B." The Legislative Financial Impact Statement is attached as Exhibit "C." A statement addressing compliance with the provisions of Act 143 of 2007 is attached as Exhibit "D." A copy of the completed economic impact/environmental benefit analysis pursuant to Regulation No. 8.812 is attached as 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 as Exhibit "F." Summary fact sheets for each site proposed to be added or deleted are attached as Exhibit "G." A proposed Minute Order which initiates this request is attached as 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, or by the responsible parties.

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,

A handwritten signature in black ink, appearing to read "Tammie J. Hynum", is written over a horizontal line.

Tammie J. Hynum
Chief, Hazardous Waste Division
Arkansas Department of Environmental Quality
(501) 682-0831

EXHIBIT A:
PROPOSED RULE CHANGES

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

REGULATION No. 30

**ARKANSAS
REMEDIAL ACTION TRUST FUND
HAZARDOUS SUBSTANCES SITE
PRIORITY LIST**



INITIAL DRAFT

**Submitted to
the Pollution Control and Ecology Commission
in January 2013**

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CHAPTER 1:

GENERAL PROVISIONS

Reg.30.101 Authority

This regulation is promulgated pursuant to provisions of the Remedial Action Trust Fund Act of 1985, Ark. Code Ann. § 8-7-509(f)(1)).

Reg.30.102 Purpose

The Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List identifies those hazardous substance sites for which expenditures are authorized from the Hazardous Substances Remedial Action Trust Fund pursuant to the provisions of the Ark. Code Ann. § 8-7-509(d)(2) and (d)(3). It is not a site inventory or historical list. Sites are listed alphabetically, and a particular site's position on the list is not relative to its hazard ranking or degree of risk or potential risk.

Reg.30.103 Definitions

When used in connection with this regulation, terms shall have the meaning defined at Ark. Code Ann. § 8-7-503, or as defined at APC&EC Regulation No. 23 § 260.10.

Reg.30.104 Criteria for Listing Hazardous Substance Sites

(a) Monies deposited into the Hazardous Substance Remedial Action Trust Fund shall be segregated into two portions.

(1) Eighty percent (80%) of the annual receipts shall be designated for expenditures related to National Priority List (NPL) sites as listed in Chapter 2 of this regulation.

(2) Twenty percent (20%) of the annual receipts shall be designated for expenditures related to State Priority List (SPL) sites as listed in Chapter 3 of this regulation.

(3) In the event monies from either NPL or SPL sites are not expended in any given year, the remaining monies shall be carried over to the next year and shall remain as originally apportioned, unaffected by apportionment of additional funds in subsequent years unless otherwise authorized by law.

(b) Monies from the Hazardous Substance Remedial Action Trust Fund may not be expended by the Director at any hazardous substance site until such hazardous substance site is listed in the applicable chapter of this regulation.

(c) A hazardous substance site may be listed in Chapter 2 of this regulation (National Priority List (NPL) site) provided that:

(1) The hazardous substance site has been investigated and ranked by use of the revised Hazard Ranking System (rHRS), and

(2) The hazardous substance site scored a minimum of 28.50 based on the rHRS, or has been designated as the State's priority site in accordance with 40 CFR 300.425(c)(2) and placed on the federal National Priorities List as published in the *Federal Register*, and

(3) A final Remedial Investigation/Feasibility Study (and Health Risk Assessment, where applicable) has been conducted, and

(4) The Department has concurred with the remedy selection, and

(5) A Record of Decision (ROD) regarding the remedial action has been issued, and

(6) Federal monies for the remedial action at the hazardous substance site have been committed, and

(7) The Remedial Design has progressed to the 90% complete stage, and

(8) The Department has provided a 30 day public comment period and opportunity for hearing on the addition of the site to this list.

(d) Should the Commission disapprove the inclusion of a hazardous substance site in Chapter 2 of this regulation, the Chairperson of the Commission shall cause the record to reflect the specific rationale for this disapproval.

(e) Priority for funding in any given fiscal year for National Priority List sites identified in § 30.202 under the above criteria shall be as follows:

(1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously.

(2) Additional hazardous substance sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed in accordance with CERCLA as amended, and any other information considered applicable and scientifically reliable.

(f) Hazardous substance sites which pose a potential substantial endangerment to human health and/or the environment but do not meet the criteria listed at paragraphs (C) or (D) of this section may be listed at § 30.302 (State Priority List (SPL) sites) of this regulation. Hazardous substance sites listed at § 30.302 will be eligible for investigation and necessary remedial action on a case-by-case basis as determined by the Director.

(g) Eligible expenditures at hazardous substance sites listed at § 30.302 of this regulation are those:

(1) Where investigatory activities are required to determine the extent and degree (if any) of the release or threat of release of a hazardous substance at the site and any scientific or engineering studies deemed necessary by the Director to determine available and necessary alternatives for remediation;

(2) Where remediation activities are required to adequately secure, contain, abate, treat, dispose, or control hazardous substances to the extent financially and technically feasible, as determined by the Director. Remediation activities shall include but are not limited to any

engineering design work necessary to adequately plan, design, and implement remedial measures.

(3) Where long term stewardship (i.e., operations and maintenance activities, to include five-year reviews) is required to ensure the long term effectiveness of the remedy implemented at the hazardous substance site.

(h) Hazardous substance sites may be listed at § 30.302 of this regulation based on:

- (1) Proximity to population centers;
- (2) Potential impacts to surface waters;
- (3) Potential impact to groundwater;
- (4) Hydrologic and geologic characteristics,
- (5) The toxicity and characterization of hazardous substances present;
- (6) The mobility of the hazardous substances present;
- (7) The attenuation of the hazardous substances present; and
- (8) Releases or threat of releases of the hazardous substances.

(i) Priority for available funding for hazardous substance sites listed at § 30.302 of this Regulation shall be as follows:

(1) Those sites at which remedial actions (including operations and maintenance) have been initiated previously.

(2) Additional hazardous substance sites based on the order of greatest impact to public health and/or the environment, as determined by the Director after reviewing available information developed or discovered in the investigatory process.

(j) The above shall not be construed to preclude or limit the authority of the Director in:

(1) Mandating actions, pursuant to Ark. Code, Ann. §§ 8-7-501 *et seq.* (the Hazardous Substance Remedial Action Trust Fund Act), deemed necessary to abate an imminent and substantial endangerment to the public health, safety, and welfare, or to the environment, or

(2) Ordering responsible parties to address and abate any release of a hazardous substance, pursuant to Ark. Code, Ann. §§ 8-7-501 *et seq.*

Reg. 30.105 Severability

If any provision of this Regulation or the application thereof is held invalid, such invalidity shall not affect other provisions of this Regulation which can be given effect without the invalid provision or application and to this end the provisions of this Regulation are declared to be severable.

CHAPTER 2:

NATIONAL PRIORITY LIST SITES

Reg.30.201 Description

Hazardous substance sites listed in this Chapter are those which pose a potential substantial endangerment to human health and/or the environment, and for which State funds have been approved to match or supplement Federal funding for remedial actions pursuant to CERCLA. Criteria for listing a particular site is governed by § 30.104(c) of this regulation.

Reg.30.202 National Priority List Sites

EPA ID No.	AFIN	Site Name	Address/Location	City	County
ARD084930148	05-00003	ARKWOOD, INC.	HWY 65 1M S	OMAHA	BOONE
ARD980496186	34-00077	CECIL LINDSEY LANDFILL	35.637562 N; -91.230540 E	NEWPORT	JACKSON
ARD035662469	18-00131	GURLEY OIL PIT	35.119873 N; -90.312101 E	EDMONDSON	CRITTENDEN
ARD990660649	54-00068	CEDAR CHEMICAL CO.	49 PHILLIPS RD 311	HELENA	PHILLIPS
ARD980496368	66-00268	INDUSTRIAL WASTE CONTROL	35.239293 N; -94.354493 E	JENNY LIND	SEBASTIAN
ARD980809941	43-00084	JACKSONVILLE (GRAHAM ROAD) MUNICIPAL LANDFILL	34.866382 N; -92.072375 E	JACKSONVILLE	PULASKI
ARD092916188	57-00060	MID-SOUTH WOOD PRODUCTS	HWY 71S 3 BLOCKS S-S REINE ST	MENA	POLK
ARD980745665	75-00049	OLD MIDLAND PRODUCTS	HWY 10 1/2 MIL E OF OLA	OLA	YELL
ARD980864110	28-00066	MONROE AUTO EQUIPMENT CO.	5 MI SW OF PARAGOULD	PARAGOULD	GREENE
ARD049658628	75-00008	MOUNTAIN PINE PRESSURE TREATING	HWY 28 E	PLAINVIEW	YELL
ARD042755231	52-00001	OUACHITA NEVADA WOOD TREATER	.25 MI N PF HWY 368 & MAIN	READER	OUACHITA
ARD008052508	70-00049	POPILE, INC.	SOUTHFIELD RD	EL DORADO	UNION
ARD981055809	60-00759	ROGERS ROAD MUNICIPAL LANDFILL	34.862234 N; -92.079085 E	JACKSONVILLE	PULASKI
ARD980496723	18-00130	SOUTH 8TH STREET LANDFILL	35.125641 N; -90.171356 E	WEST MEMPHIS	CRITTENDEN
ARD000023440	60-00028	VERTAC, INC.	1600 MARSHALL ST	JACKSONVILLE	PULASKI

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CHAPTER 3: STATE PRIORITY LIST SITES

Reg.30.301 Description

Hazardous substance sites listed in this Chapter are those which pose a potential substantial endangerment to human health and/or the environment, but which do not meet the criteria for listing on the National Priority List. These sites have been designated as eligible for State-funded investigation and necessary remedial actions on a case-by-case basis as determined by the Director. Criteria for listing a particular site is governed by §§ 30.104(f) and (h) of this regulation.

Reg.30.302 State Priority List Sites

EPA ID No.	AFIN	Site Name	Address	City	ZIP	County
ARD983286337	10-00016	AMITY LACQUER PAINT & CHEMICAL MFG CO	HWY 8 4M N ON COUNTY RD 53	AMITY	71921	CLARK
ARD035434596	73-00022	ARKANSAS GENERAL INDUSTRIES	102 MILLER STREET	BALD KNOB	72010	WHITE
ARD982286957	47-00003	ARKANSAS WASTE-TO-ENERGY WAREHOUSE SITE	420 W PARSONS DRIVE	OSCEOLA	72370	MISSISSIPPI
ARD006337620	72-00676	BALDWIN PIANO & ORGAN CO.	1101 S BEECHWOOD AVE	FAYETTEVILLE	72701	WASHINGTON
ARD980583470	52-00163	BEI DEFENSE SYSTEMS	HIGHWAY 274 12 MI E	EAST CAMDEN	71701	CALHOUN
ARD990660649	54-00068	CEDAR CHEMICAL CO	49 PHILLIPS RD 344	HELENA	72342	PHILLIPS
ARD035560507	60-01942	FASHION PARK CLEANERS	1101 CUMBERLAND ST	LITTLE ROCK	72202	PULASKI
ARD990661050	52-00355	GENERAL DYNAMICS CORP	204 OUACHITA 212, AIRPORT IND PARK	EAST CAMDEN	71701	OUACHITA
None	04-00165	FULTON CLASS 3C LANDFILL	END OF QUAIL ROAD	ROGERS	72756	BENTON
ARD981055494	70-00283	GRIFFING RAILWAY REPAIR	SCHOOL ST BOX 1735	EL DORADO	71730	UNION
ARD021354493	67-00078	HADCO OF ARKANSAS OMC	TOWER RD 2M S	GILLHAM	71841	SEVIER
None	43-00298	I CAN, INC	420 W ACADEMY ST	LONOKE	72086	LONOKE
ARD062144308	60-00642	JIMELCO	3400 S MAPLE STREET	LITTLE ROCK	72204	PULASKI

EPA ID No.	AFIN	Site Name	Address	City	ZIP	County
ARD008049297	70-00694	NORPHLET CHEMICAL CO.	HWY 335 AND MACMILLAN ROAD	NORPHLET	71759	UNION
ARD051961829	72-00174	R&P ELECTROPLATING	2000 PUMP STATION RD	FAYETTEVILLE	72704	WASHINGTON
AR0000605322	37-00028	RED RIVER ALUMINUM	HWY 82 WEST	STAMPS	71860	LAFAYETTE
ARD041054552	21-00080	STAR STARRETT/ LEER MFG	HWY 65 S IM S 65/165 JCT	DUMAS	71639	DESHA
ARR000011122	04-00342	SWIFT CHEMICAL CO FARM PROPERTY	2001 S 1ST ST	ROGERS	72756	BENTON
None	42-00117	THOMPSON SCIENTIFIC INDUSTRIES	1605 RIVER PORT RD	SCRANTON	72863	LOGAN
AR0000100859	35-00419	UTILITY SERVICES, INC	10184 HWY 79S	PINE BLUFF	71603	JEFFERSON
AR0000000331	10-00234	VALUE-LINE	701 S 3 RD STREET	ARKADELPHIA	71923	CLARK

CHAPTER 4:

EFFECTIVE DATE

Reg.30.401 Effective Date

This regulation and any amendments or revision thereof are effective 10 days after filing the regulation or any amendment or revision thereof with the Secretary of State, the State Library, and the Bureau of Legislative Research following adoption by the Commission.

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EXHIBIT B:

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

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

DEPARTMENT/AGENCY Arkansas Department of Environmental Quality
DIVISION Hazardous Waste Division
DIVISION DIRECTOR Tammie Hynum
CONTACT PERSON Tom Ezell
ADDRESS 5301 Northshore Drive, North Little Rock, AR 72118
PHONE NO. (501) 682-0854 **FAX NO.** (501) 682-0565 **E-MAIL** ezell@adeq.state.ar.us
NAME OF PRESENTER AT COMMITTEE MEETING J. Ryan Benefield, P.E.
PRESENTER E-MAIL benefield@adeq.state.ar.us

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
Administrative Rules Review Section
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

2. What is the subject of the proposed rule? Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No
If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No
If yes, what is the effective date of the emergency rule? N/A

When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No

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 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.

Ark. Code Ann. § 8-7-509(f)(1)

7. What is the purpose of this proposed rule? Why is it necessary?

The amendment adds one site (Cedar Chemical Company, in Helena, Phillips County) to the National Priority List section of the Regulation, authorizing the expenditure of state funds from the Arkansas Remedial Action Trust Fund in support of Federal investigative and remedial actions at that site. While initial site characterization and remedial design are fully federal-funded, actual clean-up costs will require a 10% match from state funds, and long-term care for the site after clean-up is completed must be fully funded by either the state or any identified responsible parties. Additionally, six sites (including Cedar Chemical) are nominated for deletion from the State Priority List section of the regulation, indicating that health risks from these sites have been controlled and clean-up activities under the State's responsibilities have been completed; or in the case of Cedar Chemical, the site has been approved for addition to the federal National Priority List for address under the federal Superfund program.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

http://www.adeq.state.ar.us/regs/drafts/draft_regs.htm

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: March 4, 2013

Time: 2:00 p.m.

Place: Commission Room, ADEQ headquarters, 5301 Northshore Drive, NLR, AR 72118

10. When does the public comment period expire for permanent promulgation? (Must provide a date.) March 18, 2013

11. What is the proposed effective date of this proposed rule? (Must provide a date.) ~ June 2013

12. Do you expect this rule to be controversial? Yes No

If yes, please explain. _____

13. 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.

None anticipated. (The three past amendments have garnered no public comments.)

EXHIBIT C:

FINANCIAL IMPACT STATEMENT

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality

DIVISION Hazardous Waste Division

PERSON COMPLETING THIS STATEMENT Tom Ezell

TELEPHONE NO. (501) 682-0854 **FAX NO.** (501) 682-0565 **EMAIL:** ezell@adeq.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE APC&EC Regulation No. 30

- 1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
- 2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

See Attachment "F" to Rulemaking petition.

- 3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

N/A

- 4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	<u>\$ 0.00</u>
Federal Funds	<u>\$ 0.00</u>
Cash Funds	<u>\$ 0.00</u>
Special Revenue	<u>\$ 0.00</u>
Other (Identify)	<u>\$ 0.00</u>
Total	<u>\$ 0.00</u>

Next Fiscal Year

General Revenue	<u>\$ 0.00</u>
Federal Funds	<u>\$ 0.00</u>
Cash Funds	<u>\$ 0.00</u>
Special Revenue	<u>\$ 0.00</u>
Other (Identify)	<u>\$ 0.00</u>
Total	<u>\$ 0.00</u>

- 5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ \$ 0.00

Next Fiscal Year

\$ \$ 0.00

Site characterization, feasibility studies, and remedial design under CERCLA are 100% federal funded (or funded by any viable responsible parties), and average from three to four years for similar Superfund projects, and slightly more than two years in the case of Cedar Chemical due to the previous investigative work accomplished by the State. Therefore, no state costs pursuant to this rule are anticipated during the 2-year window addressed in this impact statement. Upon selection and approval of a final remedy for the Cedar Chemical site, (several years from now) the State (via the RATFA) will be responsible for 10% of the total remedial action costs, as well as 100% of the costs for post-closure, long term care of the site if there are no remaining viable responsible parties. Such remedial action costs will be substantial (multi-million \$); long term care for similar sites average \$50,000 per year for an indefinite, multi-year period (minimum 30 years).

Current cost estimates for cleanup at the Cedar Chemical site range up to \$37 million, which is more than four times the current balance of the Arkansas Remedial Action Trust Fund, which must address the needs at all abandoned sites within the state. While the state will retain a sizable responsibility for matching

cleanup costs as well as for long term care, addressing this site under the federal Superfund program will realize an approximately \$33 million reduction in the State's obligations for cleanup costs for the Cedar site.

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 1.401 million

Next Fiscal Year

\$ 1.4 million

(Total costs of implementing investigations, cleanup, and long-term care of sites listed in this regulation.)

EXHIBIT D:

**COMPLIANCE WITH
ACT 143 OF 2007**

**Compliance with Act 143 of 2007
(formerly Executive Order 05-04)**

A copy of this rulemaking petition and all attachments was provided to the Arkansas Department of Economic Development via e-mail on October 11, 2012. No response or comments have been received as of the filing date of this petition.

EXHIBIT E:

**ENVIRONMENTAL IMPACT/ECONOMIC
BENEFIT ANALYSIS**

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

ECONOMIC IMPACT/ENVIRONMENTAL BENEFIT ANALYSIS

Rule Number & Title: Regulation No. 30, Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List, 2012 Annual Update

Petitioner: ADEQ Hazardous Waste Division

Contact/Phone/Electronic mail: Tammie Hynum, 682-0831, hynum@adeq.state.ar.us

Analysis Prepared By: Tom Ezell, (501) 682-0854

Date Analysis Prepared: September 20, 2012

STEP 1: DETERMINATION OF ANALYSIS REQUIREMENT
--

Is the proposed rule exempt from economic impact/environment benefit analysis for one of the following reasons?	YES	NO
▶ The proposed rule incorporates the language of a federal statute or regulation without substantive change		X
▶ The proposed rule incorporates or adopts the language of an Arkansas state statute or regulation without substantive change		X
▶ The proposed rule is limited to matters arising under Regulation No. 8 regarding the rules of practice or procedure before the Commission		X
▶ The proposed rule makes only <i>de minimis</i> changes to existing rules or regulations, such as the correction of typographical errors, or the renumbering of paragraphs or sections; or		X
▶ The proposed rule is an emergency rule that is temporary in duration.		X

If the proposed rulemaking does not require the following Analysis due to one or more of the exemptions listed above, state in the Petition to Initiate Rulemaking which exemptions apply, and explain specifically why each is applicable.

RULE SUMMARY:

Ark. Code Ann. § 8.7.509(f)(1) requires the Department to annually update the state priority list of hazardous substance sites eligible for investigation and remedial actions through use of moneys from the Remedial Action Trust Fund. ADEQ is explicitly required by this state statute to update Regulation No. 30 at least annually. This revision to Regulation No. 30 accomplishes the annual update to the priority lists for hazardous substance sites where the Pollution Control & Ecology Commission has authorized expenditures from the Remedial Action Trust Fund for investigation, cleanup, and long term maintenance in order to eliminate or mitigate unacceptable risks to human health or the environment from hazardous substance contamination at the listed sites. This revision does not have a corresponding federal rule or requirement.

The revisions proposed in this petition would add one (1) site to the National Priority List Section in order to authorize the expenditure of State matching funds in support of federal cleanup actions under the Superfund program (90/10 federal/state split for cleanup activities) and for long term stewardship of the site once the Superfund cleanup is completed (The State is responsible for 100% of post-cleanup care and oversight).

Six (6) sites are proposed for deletion from the State Priority List section: five sites where cleanups have been completed and unacceptable risks once posed by these sites have been brought under control, and one site which has been approved for addition to the federal National Priority List.

STEP 2: THE ANALYSIS

2A. ECONOMIC IMPACT

1. Who will be affected economically by this proposed rule?

State: a) the specific public or private entities affected by this rulemaking, indicating for each category if it is a positive or negative economic effect; and b) provide the estimated number of entities affected by this proposed rule.

Investigative and remedial action costs for abandoned hazardous substance sites listed in Regulation No. 30 are paid from the Arkansas Hazardous Substance Remedial Action Trust Fund, administered by the Arkansas Department of Environmental Quality, or when available, by the responsible parties for the site. At sites where the responsible parties did not participate in the cleanup efforts, upon completion of remedial actions, the Department has historically sought to recover any of its costs from the responsible parties, if these parties are still viable.

Public and private businesses, other than responsible or potentially responsible parties for abandoned hazardous substance sites listed in the Regulation, do not incur any economic costs from the implementation of this regulation.

Sources and Assumptions: N/A

2. What are the economic effects of the proposed rule?

State: 1) the estimated increased or decreased cost for an average facility to implement the proposed rule; and 2) the estimated total cost to implement the rule.

This proposed revision adds one site to the National Priority List section of the regulation, which would authorize expenditures from the Arkansas Remedial Action Trust Fund in support of Federal investigative and remedial actions and long term stewardship of the Cedar Chemical site under federal CERCLA requirements. Under CERCLA procedures, site characterization, feasibility studies, and remedial design are 100% federal-funded, so no expenditures are anticipated during the biennium addressed in impact analysis pursuant to the legislative checklist. Over the term of the cleanup, the RATF would be responsible for paying 10% of the cost of any remedial actions (actual clean-up activities) and once clean-up is complete, the entire cost of long term care (operating and maintaining any remaining engineering and institutional controls and periodic inspections to ensure the remedy remains effective) would also be the State's responsibility, if no viable responsible parties remain. A precise cost of cleanup has not yet been determined, but will be included in the feasibility study which EPA completes for the site. Preliminary estimates range from \$33 to 37 million dollars for site cleanup and remediation, a

figure four times the current balance of the Arkansas Remedial Action Trust Fund, which must address needs at all the sites listed in Regulation 30 across the State. Cost of long term care for similar sites average \$50,000 per year, for an indefinite period, typically not less than 30 years. While the State will retain responsibilities for matching funds and long term care of the Cedar site, addressing cleanup costs at Cedar Chemical under the federal Superfund program will result in a reduction of the State's current cleanup obligations by approximately \$33 million.

In addition to moving the Cedar Chemical site from the State Priority list section to the National Priority List section, this proposal also deletes from the State Priority List five additional sites where remedial actions have been completed, and no additional State funding is necessary at these sites.

Sources and Assumptions: N/A

3. List any fee changes imposed by this proposal, and the justification for each.

None.

4. What is the probable cost to ADEQ in manpower and associated resources to implement and enforce this proposed change, and what is the source of revenue supporting this proposed rule?

ADEQ carries out investigative and remedial action work using current staff and site investigation contractors. Funding is derived from the Hazardous Substance Remedial Action Trust Fund. Matching funds for federal Superfund activities will also be paid from this fund.

Sources and Assumptions: N/A

5. Is there a known beneficial or adverse impact to any other relevant state agency to implement or enforce this proposed rule? Is there any other relevant state agency's rule that could adequately address this issue, or is this proposed rulemaking in conflict with or have any nexus to any other relevant state agency's rule? Identify state agency and/or rule.

No.

Sources and Assumptions: N/A

6. Are there any less costly, non-regulatory, or less intrusive methods that would achieve the same purpose as this proposed rule?

ADEQ previously entered into a Consent Administrative Order (LIS # 07-027) with the responsible parties for the Cedar Chemical site, conducted a thorough investigation, and issued a remedial action decision document (RADD) to the public and all affected parties. The responsible parties declined to carry out the actions set forth in the RADD to address the contamination at the site.

As the projected cleanup costs exceed the near-term capabilities of the state Remedial Action Trust Fund, the Governor requested that EPA place the Cedar Chemical site as the one allowed State-directed listing on the federal National Priorities List (NPL), for further investigation and remediation of the site under the Superfund program.

Sources and Assumptions: N/A

2B. ENVIRONMENTAL BENEFIT

1. What issues affecting the environment are addressed by this proposal?

Specific potential risks at each site are described in the attached site summary reports (Exhibit "G" of the rulemaking packet).

2. How does this rule protect, enhance, or restore the natural environment for the well being of all Arkansans?

By identifying and addressing hazardous substance contamination at each of the six sites proposed for deletion, necessary actions have been taken to remove or control human exposure to these hazards, to restore or mitigate degradation of the integrity of the environment at each site, and restore these properties to beneficial use. One additional site is proposed for listing in order to authorize the use of state matching funds in support of site investigation, remedial design, cleanup, and long term care under the federal Superfund program.

Sources and Assumptions: See site summary fact sheets at Attachment "G".

3. What detrimental effect will there be to the environment or to the public health and safety if this proposed rule is not implemented?

Potentially unacceptable risks to human health or the environment at the sites proposed for delisting have been removed through remedial actions (direct removal or engineering controls) or institutional controls. However, retention of these sites on the State Priority List for abandoned hazardous substance sites would serve as a disincentive for the redevelopment and beneficial use of these properties. In the case of the one site proposed for listing, the State is required to commit to providing specific matching funds in support of site investigation, remedial design, cleanup, and long term care under the federal Superfund program.

Sources and Assumptions: See site summary fact sheets at Attachment "G".

4. What risks are addressed by the proposal and to what extent are these risks anticipated to be reduced?

Anticipated risks and any necessary actions are described in the summary sheet prepared for each site addressed in this proposed rule. (See Exhibit "G" of the rulemaking packet).

Sources and Assumptions: See site summary fact sheets at Attachment "G".

EXHIBIT F:

ECONOMIC IMPACT STATEMENT: REGULATORY FLEXIBILITY

ECONOMIC IMPACT STATEMENT OF PROPOSED RULES OR REGULATIONS

EO 05-04: Regulatory Flexibility

Department: Dept. of Environmental Quality

Division: Hazardous Waste

Contact Person: Tom Ezell

Date: September 20, 2012

Contact Phone: (501) 682-0854

Contact E-Mail: ezell@adeq.state.ar.us

Title or Subject: APC&EC Regulation No. 30 (Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority Lists)

Benefits of the Proposed Rule or Regulation

1. Explain the need for the proposed change(s). Did any complaints motivate you to pursue regulatory action? If so, please explain the nature of such complaints.

This rulemaking proposal is not driven by public complaint. The Department and Commission are required under provisions of the Arkansas Remedial Action Trust Fund Act (Ark. Code Ann. § 8-7-509(f)(1)) to review and update the status of hazardous substance sites on the state priority list on an annual basis. Regulation 30 was last updated in January 2012.

The amendment adds one site (Cedar Chemical Company, in Helena, Phillips County) to the National Priority List section of the Regulation, authorizing the expenditure of state funds from the Arkansas Remedial Action Trust Fund in support of Federal investigative and remedial actions at that site. While initial site characterization and remedial design are fully federal-funded, actual clean-up costs will require a 10% match from state funds, and long-term care for the site after clean-up is completed must be fully funded by either the state or any identified responsible parties. Additionally, six sites (including Cedar Chemical) are nominated for deletion from the State Priority List section of the regulation, indicating that health risks from these sites have been controlled and clean-up activities under the State's responsibilities have been completed; or in the case of Cedar Chemical, the site has been approved for addition to the federal National Priority List for address under the federal Superfund program.

2. What are the top three benefits of the proposed rule or regulation?

- Authorizes state funding for the long term stewardship and care of Superfund sites in the state where remedial action has been completed and long-term responsibilities for maintenance and upkeep of the remedies have reverted to the state and/or designated responsible parties.
- Authorizes payment of the 10% State match for the costs of federal remedial actions at Superfund sites (e.g., Cedar Chemical Company).
- Authorizes state funding from the Remedial Action Trust Fund to investigate and clean up hazardous substance contamination from sites which did not score high enough to qualify for federal cleanups under the U.S. EPA's Superfund.

3. What, in your estimation, would be the consequence of taking no action, thereby maintaining the status quo?

One site is proposed for listing in order to confirm the State's agreement for sharing costs of clean-up and long term care for the Cedar Chemical Company site in Helena-West Helena, Phillips County, seeking to protect the health and well-being of citizens in that community. This commitment is required for the site to be eligible for federal investigative and remediation funding through the federal Superfund program. Absent the availability of Superfund funding, the state would be unable to afford the costs of the necessary cleanup at the site.

Potentially unacceptable risks to human health or the environment at the other five sites proposed for deletion from the State Priority List have been removed or controlled through remedial actions or institutional controls. However, retention of these sites on the State Priority List for abandoned hazardous substance sites would serve as a disincentive for the redevelopment and beneficial re-use of these properties.

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed regulation and state the reason(s) for not selecting these alternatives.

None considered. At most sites addressed under these lists, there are no viable remaining responsible or potentially responsible parties to address the contamination and health risks posed by these sites. At sites where viable responsible parties have been identified, ADEQ is working either cooperatively or under the conditions of an enforcement order with those parties to ensure that the sites are sufficiently characterized to identify the threats posed by contamination and/or perceived contamination, to design an appropriate remedy, and carry out the necessary remedial actions and long-term stewardship for the sites.

Impact of Proposed Rule or Regulation

5. Estimate the cost to state government of collecting information, completing paperwork, filing, recordkeeping, auditing and inspecting associated with this new rule or regulation.

Average costs of carrying out long term stewardship and maintenance activities at sites listed on the National Priority and State Priority lists are approximately \$1.4 million per calendar year. Staff oversight and support equates to approximately \$0.4 million per calendar year. Remediation costs at the Cedar Chemical site alone have been estimated at up to \$37 million, approximately four times the current balance of the Arkansas Remedial Action Trust Fund. Remediation of the Cedar Chemical site through the Superfund program will reduce the State's environmental liability for abandoned site cleanup by approximately \$33 million.

6. What types of small businesses will be required to comply with the new rule or regulation? Please estimate the number of small businesses affected.

Regulation No. 30 is a listing of hazardous substance sites where state funds are authorized for the investigation and cleanup of hazardous substance contamination in order to address a threat to the public health or the integrity of the environment. It does not pose any requirements for small businesses other than the encouragement of good environmental management and waste disposal practices to avoid placing themselves in a situation where they are subject to being placed on this list. Regulation No. 30 lists the geographic location of abandoned hazardous substance sites, not individuals, small businesses, or other persons.

7. Does the proposed regulation create barriers to entry? If so, please describe those barriers and why those barriers are necessary.

No.

8. Explain the additional requirements with which small business owners will have to comply and estimate the costs associated with compliance.

None.

9. State whether the regulation contains different requirements for different-sized entities, and explain why this is, or is not, necessary.

Placement on either of the state priority lists contained in Regulation No. 30 is based upon the degree of threat that contamination or perceived contamination at a listed site poses to human health and the environment, and not the size of the business that caused or may be held liable for the costs of investigation and cleanup of such contamination.

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed regulation.

No changes are proposed which affect small businesses.

11. How does this rule or regulation compare to similar rules or regulations in other states or the federal government?

Liability for hazardous substance contamination at sites in Arkansas is determined by the Arkansas Remedial Action Trust Fund Act (RATFA), the state's counterpart to the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, commonly known as the "Superfund" law. Like CERCLA, liability for contamination and cleanup under the RATFA is assigned to responsible parties, starting with the landowner, as well as any former owners, facility operators, or any other persons whose acts contributed or may have contributed to the contamination or environmental problems at the site. Unlike CERCLA, where such liability is joint and several, liability under RATFA is proportional, depending on the potentially responsible party's degree of culpability and contribution to the conditions at the hazardous substance site.

This proposal adds one site for addition to the National Priority List section, where the U.S. Environmental Protection Agency will serve as the lead agency for overseeing cleanup and remediation. The liability of any responsible parties to EPA and the federal government is joint and several; not proportional as would be provided under State law.

12. Provide a summary of the input your agency has received from small business or small business advocates about the proposed rule or regulation.

ADEQ has previously entered into a Consent Administrative Order with the PRPs, conducted a thorough site investigation, and issued a remedial action decision document with full notice and disclosure to the community, general public, and the responsible parties. The responsible parties declined to carry out the actions set forth in the remedial action decision, resulting in the site being referred to the U.S. EPA for cleanup.

EXHIBIT G:

**SUMMARIES OF SITES PROPOSED FOR
DELETION & ADDITION**

The Arkansas Department of Environmental Quality maintains and administers a hazardous substance site cleanup program to implement the provisions of the Arkansas Remedial Action Trust Fund Act (RATFA), (Arkansas Code Annotated §§ 8-7-501 *et seq.*)

The background, purpose, and specific need for each revision is discussed separately below.

1. National Priority List Sites

ADEQ proposes to add the **Cedar Chemical Company** site to the National Priority List section of Regulation No. 30. On January 4, 2012, the Governor of Arkansas requested that Cedar Chemical Corporation be placed on the National Priority List (NPL) using Arkansas's ability to designate one site to be placed on the federal NPL by request pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. On March 15, 2012 EPA in turn published a Federal Register notice proposing the addition of Cedar Chemical Company to the NPL at 40 CFR 300. The NPL listing for Cedar Chemical was finalized on September 15, 2012, and was published in the *Federal Register* on September 18, 2012 (77 FR 57503). After the site's addition to the NPL, ADEQ will act as the supporting agency and will assist EPA in addressing contamination at the site.

2. State Priority List Sites

(a) Sites Proposed for Deletion from the State Priority List

ADEQ is proposing to delete five (5) sites from those currently listed on the State Priority List. Site investigation and necessary remedial activities have been completed at these sites to a point where the site no longer poses an unacceptable risk to human health or the environment from hazardous substances defined under the Arkansas Remedial Action Trust Fund Act.

A sixth site, Cedar Chemical Company, is proposed to be removed from the State Priority List and transferred to the National Priority List section of Regulation No. 30.

The sites proposed for delisting are listed below. Details on the sites' background history and the investigation and cleanup activities carried out are given in individual site summaries at Tabs 1 through 4 of this Attachment.

The sites proposed for delisting are:

- (1) **Amity Lacquer, Paint, & Chemical Manufacturing Co.**, Amity, Clark County
- (2) **Cedar Chemical Company**, Helena-West Helena, Phillips County (*transferred to the National Priority List*)
- (3) **Hadco of Arkansas ONC**, Gillham, Sevier County
- (4) **Jimelco**, Little Rock, Pulaski County
- (5) **R&P Electroplating**, Fayetteville, Washington County
- (6) **Swift Chemical Company Farm Property**, Rogers, Benton County

(b) Sites Proposed for Addition to the State Priority List

None.

Similar summary documents for sites retained on the proposed State Priority List may be found on the Department's web site at <http://www.adeg.state.ar.us> .

Amity Lacquer, Paint and Chemical Company

STATE PRIORITY LIST SITE AMITY, ARKANSAS



ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118



EPA RCRA ID No: ARD983286337
EPA CERCLA ID No: N/A
AFIN: 10-00016
County: Clark
Arkansas Senate District: 26
Arkansas House District: 23
US Congressional District: 4

Current Status

In September 2005, the Arkansas Department of Environmental Quality (ADEQ) finalized a Remedial Action Decision Document (RADD) that required Amity to remediate the contaminated areas. The RADD represented ADEQ's decision regarding the implementation of the corrective action alternatives selected for the contaminated soil in the addendum to the Corrective Measure Study (CMS) dated October 29, 2004. Natural attenuation and long term monitoring of the contaminated ground water was chosen as a reliable alternative for groundwater at this site. The facility has been required to perform additional groundwater sampling to determine the level of reduction of the contaminants at the site through the natural attenuation process. This site is recommended to be removed from the State Priority List in 2013.

State Priority List History

The site is listed in the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 30 (Arkansas Remedial Action Trust Fund Hazardous Substance Site Priority List) under the investigation and remediation categories on December 7, 2001. The remedial action has taken place and the groundwater monitoring is complete at the site. This site is recommended to be removed from the State Priority List in 2013.

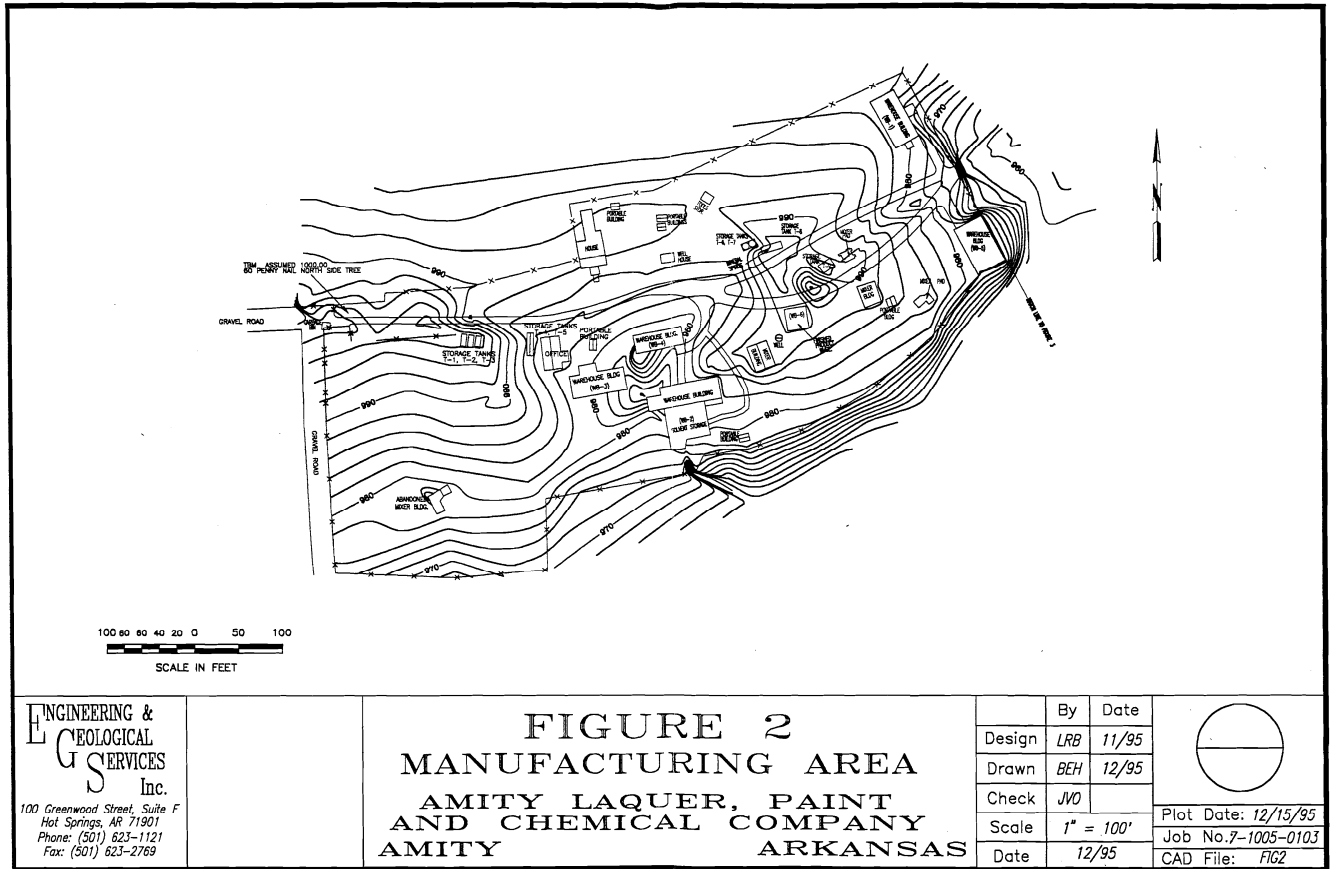
Site Description

- Location:** The Amity site is located in Township 5 South, Range 22 West, Section 31, Clark County, Arkansas.
- Population:** About 800 residents live in the city of Amity.
- Setting:** The facility is located east-northeast of Amity, Arkansas, off State Highway 8, then north on an unnamed dirt road for approximately three (3) miles. The facility occupies a portion of the 120 acre site contiguous with the manufacturing plant.
- Hydrology:** The Amity site is located on the Athens Plateau, which is a belt about 15 miles wide that lies between the mountains of the Ouachita region on the north and the west Gulf Coastal Plain on the south. The Athens Plateau is dissected with narrow crooked valleys of southward flowing truck stream and by many east-west valleys of small tributary stream, which are 350 feet or less below the upland surface. The facility is characterized by surface elevations which range from 500 ft Mean Sea Level (MSL) to 565 ft.

Aerial Photo:



Location Diagram:



Waste and Volumes

Based on the proposed remedy outlined in the Remedial Action Decision Document (RADD), the east mixer building on the Amity property was demolished and removed and the debris were transported to a permitted off-site landfill for disposal. Soils beneath the mixer building and within the general vicinity were excavated and transported to a permitted hazardous waste landfill. Approximately 2,156 cubic yards of contaminated waste were excavated from this site. The contamination at the site originated from the manufacture of paints, lacquers, varnishes and related chemicals. Methyl Ethyl Ketone, Acetone and lead were primary chemicals of concern at the site.

Health Considerations

The remedial actions eliminated risks to human health and the environment. Any future risks at the site due to the ingestion of contaminated soils, surface water and groundwater have been addressed. The ground water will be monitored for a period of five (5) years.

ADEQ Response Actions

Amity was established in 1956 and continuously operated until it was shut down in early 1996 after declaring bankruptcy. The facility produced a wide range of paints, lacquers, and related products, including thinner and paint strippers.

On June 12, 2000, a Consent Administrative Order (CAO LIS 00-105) was signed by ADEQ and the Trustee of Bankruptcy Court for the Northern District of Texas. This CAO required Amity to identify all solid waste at the site and determine if it was hazardous waste, remove all hazardous waste, respond to the Facility Investigation (FI) work plan Notice of Deficiency (NOD), implement the FI, and perform a Corrective Measures Study (CMS).

The proposed remedy is natural attenuation of the contaminated groundwater and long term monitoring of the uppermost groundwater in the vicinity of the East Mixer building.

ADEQ Anticipated Future Activities

Amity submitted a Work Plan on July 8, 2009 providing detail regarding the monitoring of groundwater. The staff at ADEQ reviewed the work plan and conditionally approved the Work Plan on 9/1/2009. Based on the requirements of the RADD, the facility has been monitoring groundwater since 2009. Upon review of the final groundwater data, ADEQ issued a no further action letter on May 17, 2012 for this site. This site has been recommended for removal from the SPL during 2013.

Site Contacts

Project Coordinator:	Mostafa Mehran	(501) 682-0837 mehran@adeq.state.ar.us
Information Repository:	Amity Public Library 309 West Thompson Street Amity, AR 71921	(501) 342-5822

Cedar Chemical Company

STATE PRIORITY LIST SITE WEST HELENA, ARKANSAS



ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118



EPA ID No: AR990660649
AFIN: 54-00068
County: Phillips
Arkansas Senate District: 16
Arkansas House District: 13
US Congressional District: 1

Current Status

In 2010, Quapaw LLC leased the property. Since then Quapaw has dismantled process units 2, 3, 4, and 6 and has sold or scrapped the equipment and building structures. Units 1 and 5 were retained for future use. Quapaw continues to clean up the site and provides site security and maintenance.

Unit 1 is operated by EnviroTech Industries for the production of peroxyacetic acid (PAA). PAA is stored in 300-gallon poly totes, loaded in trucks, and shipped to poultry companies to be used for chicken cleaning. Unit 5 will eventually undergo renovation to be used for chemical production.

The Governor of Arkansas has requested Cedar Chemical Corporation be placed on the National Priority List (NPL) using Arkansas's one state NPL site selection under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This nomination has the support of the ADEQ, local citizens, stakeholders and elected officials. The site was approved for addition to the NPL on September 15, 2012.

State Priority List History

Since operations began at the plant in the early 1970's, ADEQ has issued multiple consent administrative orders (CAOs) to prompt Cedar to comply with environmental regulations. Cedar Chemical filed for bankruptcy in March 2002 and plant operations were shut down. Unable to fulfill the obligations of the CAO, ADEQ placed the site on the State Priority List (SPL) of the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation No. 30 in October 2002 for the purposes of investigation and remediation.

Site Description

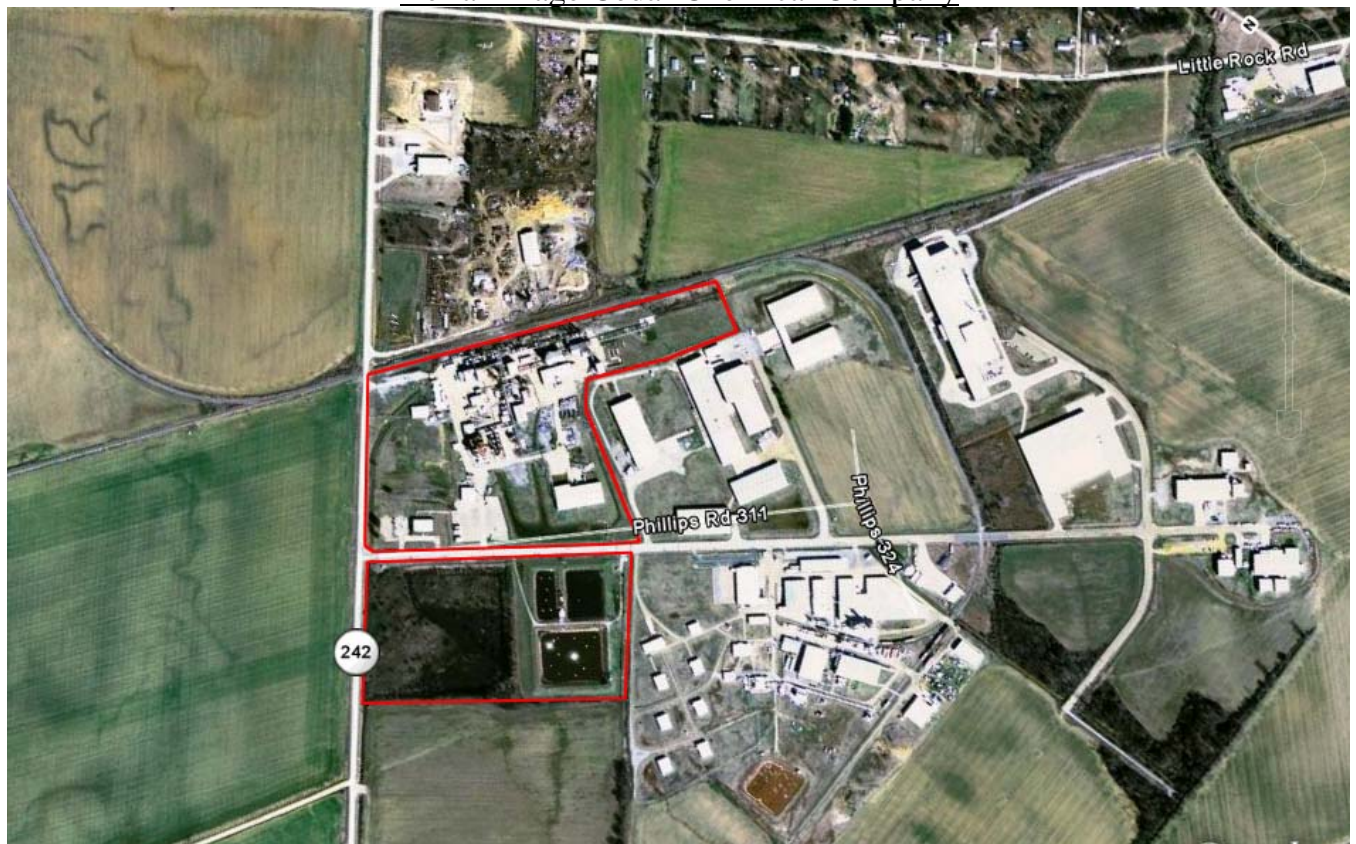
Location: The Facility is located just to the south of the city of Helena-West Helena, in Phillips County, Arkansas. The Facility consists of approximately 48 acres located within the Helena-West Helena Industrial Park, approximately 1.25 miles southwest of the intersection of U.S. Highway 49 and State Highway 242. The site address is 49 Phillips Road 311, Helena, Arkansas 74342.

Population: 2010 U.S. Census Bureau population estimate for Helena-West Helena: 12,282.

Setting: The Facility is bordered by farmland and other industrial park properties. State Highway 242 and a rail spur border its western and northern boundaries respectively. The onsite buildings on the Premises include an office complex, an R & D laboratory, a QA/QC Laboratory, various warehouse buildings, an employee changing station, truck scales, various process control rooms and Process Units 1 and 5. Other structures include three (3) wastewater treatment ponds no longer in service, and three (3) closed surface impoundments located between the manufacturing area and Highway 242.

Hydrology: The Site is bounded to the north by Caney Creek which flows generally to the west towards the Mississippi River. Surface water in the vicinity of Cedar Chemical drains to the southeast towards two unnamed tributaries which are flowing in a southwesterly direction.

Aerial Image Cedar Chemical Company



Waste and Volumes

Hazardous substances detected in soils at concentrations greater than risk-based screening criteria include Arsenic, Cadmium, Mercury, Aldrin, Dieldrin, Dinoseb, Heptachlor, Methoxychlor, Toxaphene, 3,4-Dichloroaniline, Propanil, Chloroform, 1,2-Dichloroethane, Methylene Chloride, and Pentachlorophenol.

Hazardous substances detected in groundwater at concentrations greater than risk-based screening criteria and/or Maximum Contaminant Levels (MCLs) include Arsenic, Barium, Cadmium, Chromium, Lead, 4,4'-DDT, Alpha BHC, Aniline, 4-Chloroaniline, Chlorobenzene, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, Chloroethane, 1,4-Dichlorobenzene, 2,6-Dinitrotoluene, 3,4-Dichloroaniline, 4-Chlorozniline, Dinoseb, bis(2-Chloroethyl)ether, bis(2-Ethylhexyl) phthalate, 1,2-Dichloroethane, 4-Methyl-2-Pentanone, 2-Methylphenol, Acetone, Benzene, Chloroform, Vinyl Chloride, Methylene Chloride, Trichloroethene, 1,1,2-Trichloroethane, 1,2-Dichloropropane, Bromodichloromethane, Bromoform, Dibromochloromethane, and Toluene.

In summary, the surface soils and subsurface soils are contaminated with pesticides, volatile organics, and heavy metals. The onsite surface water bodies and groundwater are contaminated with volatile organics and heavy metals. The sediments are contaminated with pesticides and heavy metals.

Eighty (80) Solid Waste Management Units (SWMUs) (including approx. 30 sumps and 10 drum/drum storage/drum crushing areas) have been identified onsite to date that are deemed areas of concern.

Health Considerations

Site investigations have concluded significant impacts to surface soils, subsurface soils, surface water and groundwater. The chemicals used onsite in the processes included volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, and metals. These constituents have been detected in the respective media in concentrations greater than background. The levels detected are at concentrations that could continue to contribute to groundwater contamination and at levels which could pose an unacceptable risk to human health and/or the environment under various exposure scenarios.

ADEQ Response Actions

In October 2002, after Cedar filed for bankruptcy, ADEQ assumed control of the site. From 2002 until ADEQ leased the site to Quapaw LLC in 2010, ADEQ provided 24-hour site security, site maintenance, and maintained the on-site wastewater treatment plant with an operator to handle storm water runoff from the facility. Currently Quapaw provides security to the site.

In January 2003, USEPA Region 6 conducted a removal action and removed chemicals left at in tanks and containers. On March 22, 2007, ADEQ, pursuant to the authority of the Arkansas Remedial Action Trust Fund Act ("RATFA"), issued a Consent Administrative Order (CAO) LIS 07-027 to three primary responsible parties (PRPs):

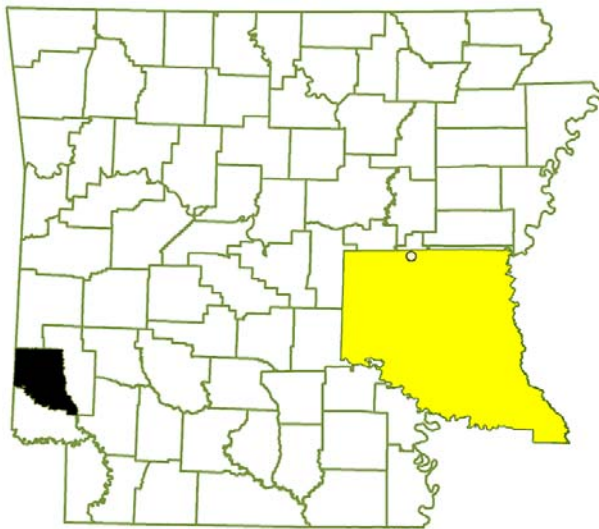
- Tyco Safety Products-Ansul Incorporated, formerly known as Wormald US, Inc. (Ansul),
- Helena Chemical Company (Helena Chemical), and
- ExxonMobil Chemical Co., a division of ExxonMobil Corporation (ExxonMobil).

HADCO OF ARKANSAS

STATE PRIORITY LIST SITE GILLHAM, ARKANSAS



ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118



EPA RCRA ID No: ARD021354493
EPA CERCLA ID No: Not Applicable
AFIN: 67-00078
County: Sevier County
Arkansas Senate District: 21
Arkansas House District: 21
US Congressional District: 4

Current Status

The Hadco property was assessed under the Arkansas Voluntary Clean-Up Act (Brownfields Program) (Act 1042 of 1997, as amended, Arkansas Code Annotated (A.C.A.) 8-7-1101 et seq.). Under this program and amendments, underutilized or abandoned industrial, commercial, or agricultural sites are evaluated through the Comprehensive Site Assessment (CSA) process to determine the nature and extent of hazardous substances released to the environment, potential for additional releases, and the risk to human health and the environment.

The CSA Report for this site was approved in November 2006. A Public Notice of the Implementing Agreement entered by and between the Brownfields Program Participant and the ADEQ for the purpose of compliance with appropriate Arkansas Statutes governing the voluntary clean-up of the Hadco property was published in September 2007.

The CSA determined that a surface soil location near a former sump contained levels of metals exceeding residential standards.

Additional sampling was conducted by the ADEQ on February 9, 2011 at the contaminated areas on the Hadco site. The sampling data showed contamination of chromium was still present on site. After conducting a risk analysis on the sampling data, it was determined that the chromium on site needed to be delineated between hexavalent or trivalent.

FTN Associates, Inc. obtained additional samples on April 20, 2012 and concluded that all the chromium on the site is trivalent rather than hexavalent. Based on this data, the site now shows no unacceptable risk to human health, and has been recommended for deleting off the State Priority List (SPL).

Currently the site is being held by the State Land Office. The State Land Office has determined that any deed issued from the sale of the property will include language restricting the site to industrial use only.

State Priority List History

Hadco operated at the site from 1980 to 1992 as a machining and electroplating facility; much of their work involved the production of conventional ammunition components. The electroplating process involved using solutions of chromium, cadmium, and cyanide. Additionally, waste acids and plating solutions were stored throughout the site. A series of waste removal actions, environmental assessments, and sampling investigations were conducted by ADEQ, EPA Region 6, and the Arkansas Department of Health between 1992 and 2000. Based on these previous studies, ADEQ identified remaining concerns and added the site to the SPL in 2005. The CSA investigation targeted elevated metal concentrations in soil and pond sediment, and on building and equipment surfaces.

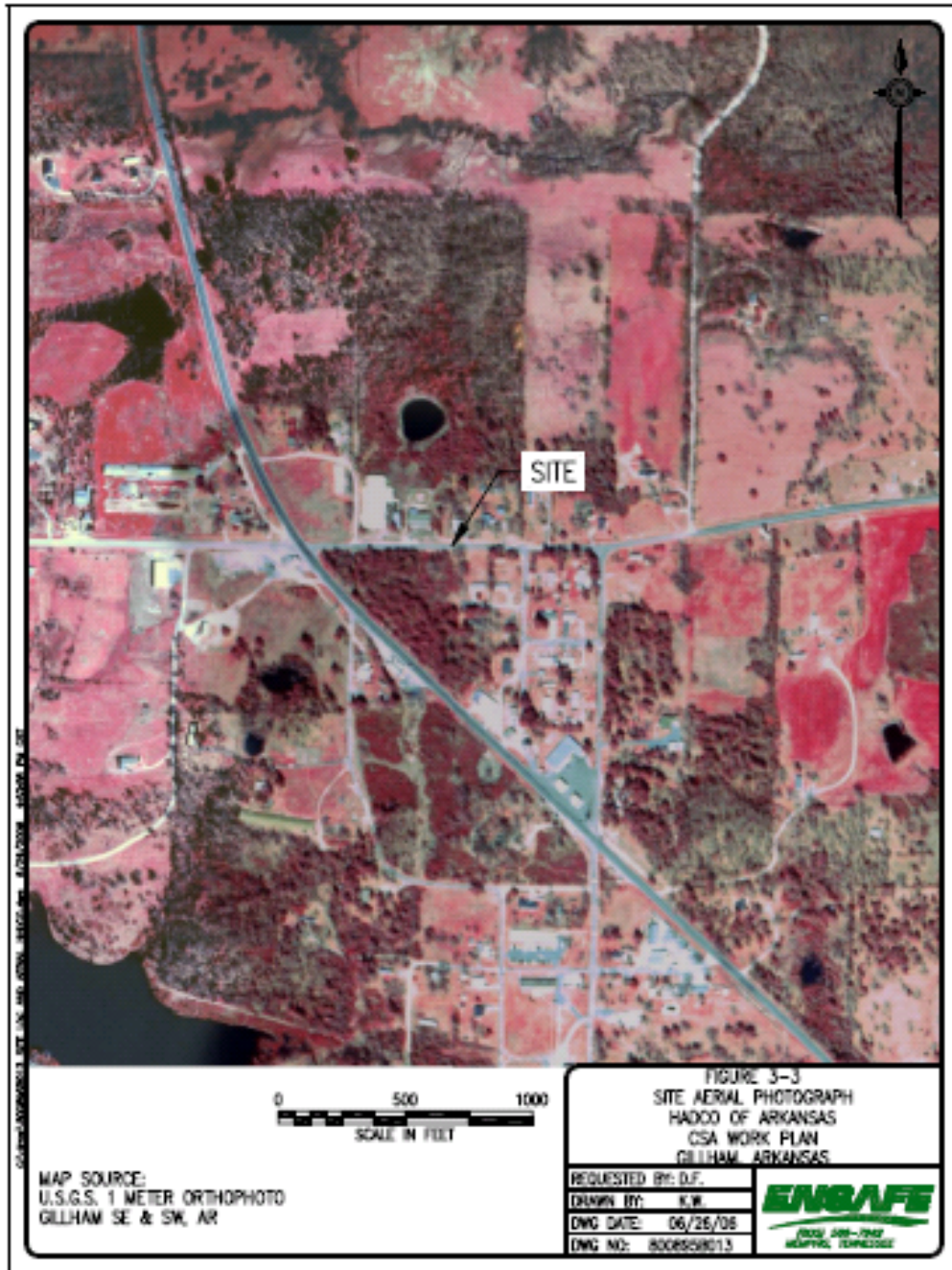
Site Description

Location: The 17-acre site is located at the corner of Tower Road and State Highway 71 on the north side of the small town of Gillham, Arkansas. The geographic coordinates are 34° 10' 16" north latitude and 94° 19' 02" west longitude.

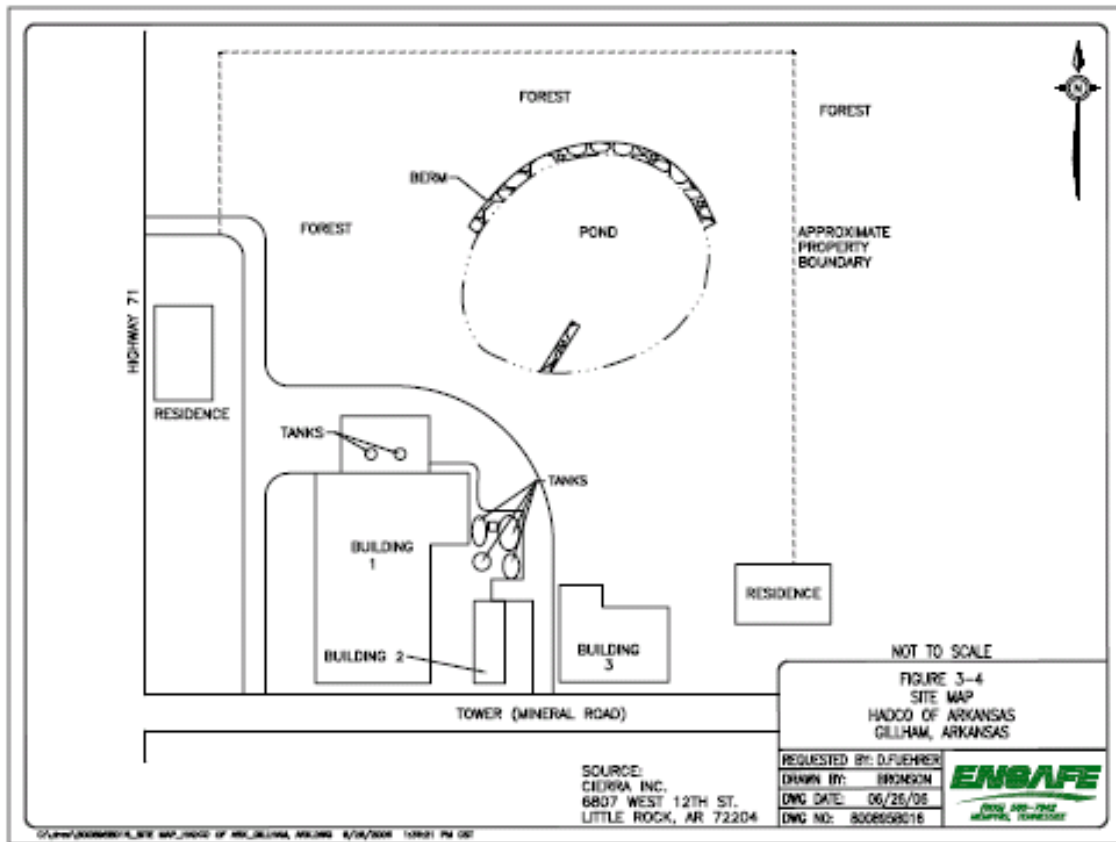
Population: Gillham has approximately 188 residents.

Setting: The site contains three steel frame buildings and ancillary tanks and equipment situated on both open and wooded land. The State of Arkansas Land Commissioner has owned the property since 1993, when the previous owner filed for bankruptcy and abandoned the operation. Light industrial, retail, and residential developments are located in Gillham, principally along Highway 71. The undeveloped land surrounding the site and the town is similar to the heavily wooded land found in the Ouachita National Forest to the north. The land is hilly with forested areas interspersed with agricultural fields, bedrock outcrops, and private residences, farms, and commercial developments. In particular, the forested land is home to an abundant wildlife population, including numerous species of birds.

Hydrology: The land surface is relatively flat across the southern portion of the property, and then slopes down to the north-northeast into a former cooling pond that is bermed around the sides. Surface water flows across the property to the north and into the pond, which feeds a spring and a creek that flows north into the Lower Little River watershed. A groundwater-bearing zone is developed at the top of and in weathered bedrock at depths of 3 to 17 feet below ground surface. Groundwater in this zone produces only small quantities of water to wells, and is not considered to be a useable aquifer.



Aerial Photo: Gillham, Arkansas



Site Diagram: Hadco Property

Waste and Volumes

The site has not been used since 1992. When abandoned, the production line vats were essentially in place at the site. During the three-phase removal action conducted by ADEQ and EPA between December 1992 and July 1993, wastes were segregated, sampled and disposed at permitted facilities. The removal and disposal of these materials mitigated immediate threats posed by these materials to human health and the environment.

Removed media included:

- 32,500 gallons of poisonous and corrosive waste
- 660 yards of Class I nonhazardous soil and debris
- 123 drums containing 24,805 pounds of solid and 3,570 gallons of liquid corrosive, oxidizing, and flammable wastes
- Various drums, totes, and tanks

Health Considerations

The CSA sampling results indicated a highly localized area, or “hot spot,” of cadmium and chromium contamination near a former sump. A focused human-health risk evaluation of all chemicals of potential concern (COPCs) at the site was completed to determine the need for further action and/or any land use restrictions at the site.

The models used in the risk evaluation predict the lifetime cancer risks and noncarcinogenic Hazard Indices (HIs) for potential receptors exposed to site contamination. These models determined potential risks for exposure (via ingestion, dermal contact, or inhalation) using the maximum concentrations of all COPCs in soil including the elevated metals concentrations in the “hot spot.” No unacceptable cancer risks were predicted for adult or child resident soil exposures; however, HIs indicating potential cumulative adverse health effects were predicted. No unacceptable cancer or noncancer risks were predicted for industrial/commercial worker soil exposure.

ADEQ Response Actions

The following provides a chronology and brief description of actions taken at the Hadco site:

- ADPC&E Sampling Event, November 1992 – Drum, tank, soil, and surface water samples showed high concentrations of plating metals in various media.
- ADPC&E Emergency Order and Request for Response, December 1992 – Required response actions by owner and requested the EPA provide assistance in mitigating health threats and removing wastes from site.
- EPA Emergency Removal Action, December 1992 to July 1993 – Removal and disposal of chemicals, containers, and impacted media.
- EPA Site Assessment, February 1994 – Soil, sediment, and water sample results for priority pollutant metals and cyanide below state and Federal action levels.

- EPA Focused Site Inspection, May 1995 – Site survey and analytical data generation to support a score under the Hazard Ranking System to determine if the site should be included on the National Priorities List.
- Superfund Site Strategy Recommendation, November 1995 – Designated the disposition of the site as No Further Remedial Action Planned and further investigation under Superfund not warranted.
- Sampling and Analysis Field Investigation, November 1997 – Property lender-initiated Phase II investigation conducted with ADPC&E review and comment; elevated chromium, cadmium, zinc, nickel, and cyanide detections.
- Additional sampling was conducted by the ADEQ on February 9, 2011 at the contaminated areas on the Hadco site.
- Contractor obtained additional samples to allow for complete characterization of chromium as hexavalent or trivalent form.

Funding awards granted by the EPA allow ADEQ the opportunity to offer technical assistance for site assessments to qualified Brownfields Program participants belonging to either the non-profit or public sector. As a public sector entity, the State Land Office was eligible for such assistance and ADEQ initiated a Targeted Brownfields Assessment (TBA) for the Hadco site in 2005. TBAs are designed to help minimize the uncertainties of contamination often associated with brownfields. ADEQ arranged for a contractor to conduct a site visit and evaluate and present background information, data searches, and site worker interviews to satisfy the requirements of a Phase I Environmental Site Assessment. These activities began in June were concluded in December 2005. ADEQ subsequently secured a contractor to conduct the CSA activities of 2006. ADEQ has provided contractor oversight, reviewed plans and reports, and continues to assist the State Land Office in expediting the Hadco property redevelopment process.

ADEQ Anticipated Future Activities

The State Land Office intends to sell the site for industrial reuse. Any prospective purchaser will have the option of completing the Brownfields process by submitting a Property Development Plan. The ADEQ would then prepare a Property Development Decision Document. Upon completion of actions required by the Property Development Decision Document, the ADEQ would issue a Certificate of Completion for the Hadco site. This site is proposed for deletion from the SPL.

Site Contacts

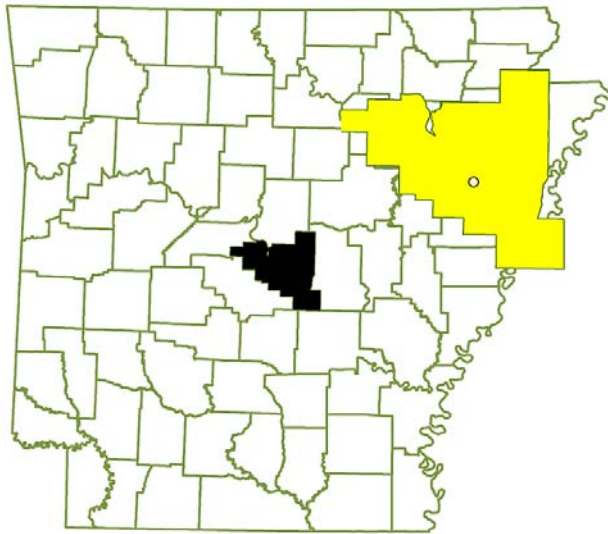
Brownfields Coordinator:	Terry Sligh	(501) 682-0867
Project Coordinator:	Brett Baker	(501) 682-0858

JIMELCO, LITTLE ROCK

STATE PRIORITY LIST SITE LITTLE ROCK, ARKANSAS



ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118



EPA RCRA ID No: Not Assigned
EPA CERCLA ID No: ARD062144308
AFIN: 60-00642
County: Pulaski County
Arkansas Senate District: 32
Arkansas House District: 51
US Congressional District: 2

Current Status

Following the site's abandonment in 1993, ADEQ investigations determined that hazardous substances, particularly polychlorinated biphenyls (PCBs), presented a threat to the environment and human health. An emergency removal action was ordered and completed, and subsequent investigation findings were submitted to EPA Region 6 Superfund administrators. In January of 2001, the EPA Region 6 issued a Superfund Site Strategy Recommendation Form to state the decision of No Further Remedial Action Planned (NFRAP). Jimelco is now an Archived Site on the EPA's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List. The Archive designation indicates the site has no further interest under the Federal Superfund Program based on available information.

The ADEQ contracted Ensafe, Inc. to evaluate the site through the Comprehensive Site Assessment (CSA) process to determine the nature and extent of hazardous substances released to the environment, potential for additional releases, and the risk to human health and the environment. The CSA Report was completed in May 2009. A screening level risk assessment performed by ADEQ on the CSA Report results determined that soil and groundwater contamination at this site is below risk-based screening levels.

A Declaration of Restrictive Covenant was placed on the property on September 12, 2012 restricting the use of the site to industrial purposes. This site is proposed for deletion from the SPL.

State Priority List History

The Jimelco, Little Rock site was a transformer reclamation and recycling facility which ceased operations due to bankruptcy in early 1993. Before Jimelco operations began in 1987, the site operated under the name Jacksonville Scrap Metal and/or Benton Salvage. A Benton Salvage also once operated in the City of Benton; this site was subject to separate environmental investigations. The 1994 emergency removal and containment operations at the Jimelco, Little Rock site under the Emergency Response Fund mitigated the immediate dangers to the environment and public health, welfare, and safety. Additional investigation to confirm the extent to which hazardous substances may have migrated off-site and cleanup of any remaining on-site contaminants was required to eliminate potential hazards posed by the site. The Jimelco property was listed on the SPL effective March 17, 1995.

Site Description

Location: The 14.86-acre site is located at 3400 South Maple in the southwest portion of Little Rock, Arkansas. The geographic coordinates are 34° 43' 17" north latitude and 92° 18' 55" west longitude.

Population: Little Rock has approximately 183,133 residents.

Setting: The property is bordered on the east and west by industrial facilities, to the north by the Pulaski County Maintenance facility, residential areas, and the Missouri-Pacific Railroad tracks, and to the south by a wetland and woodlands.

Hydrology: The land gently slopes to the north. North of the site there is a topographic high and surface runoff flows from this high on to the site. The property is drained by a ditch to the west, which flows into Fourche Creek. The majority of the site is level with only minor depressions.

Aerial Photo: Jimelco Property, Little Rock, Arkansas



Waste and Volumes

Hazardous materials and/or wastes used and generated at the site during its operation included motor and hydraulic oil, emthalite (Fuller's earth), and PCB-containing oil and contaminated fluids. An undetermined quantity of transformers were also dismantled and improperly burned on the property. Sampling results indicated PCB and petroleum hydrocarbon contamination at the site.

Four primary contamination sources were identified during sampling activities, site inspections, and other data gathering activities:

- Main building secondary containment area containing 26 liquid holding tanks
- The former incinerator location
- Current incinerator stack
- Multiple transformers scattered throughout the property

Areas of soil staining, distressed vegetation, and discarded storage tanks and drums were also present throughout the property. Although no records of the quantity of wastes generated at the site are available, wastes removed during cleanup operations included:

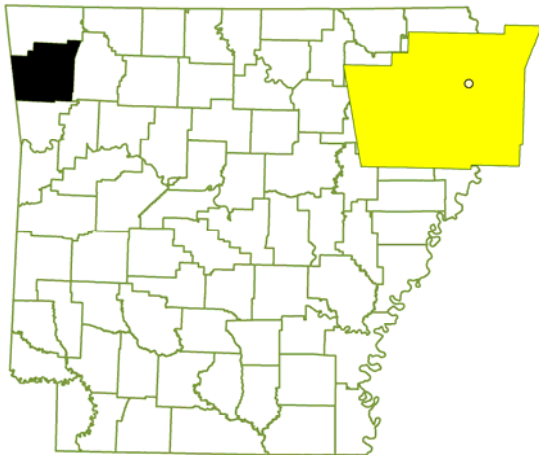
- 33,045 gallons of waste oil removed from tanks
- 46,113 gallons of liquid drained from a former oil storage containment area collected during a period of heavy rainfall

R & P ELECTROPLATING

STATE PRIORITY LIST SITE FAYETTEVILLE, ARKANSAS



ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118



EPA RCRA ID No: N/A
EPA CERCLA ID No: ARD051961829
AFIN: 72-00174
County: Washington
Arkansas Senate District: 7
Arkansas House District: 88
US Congressional District: 3

Current Status

Remediation of the site has been completed. To ensure that remediation was successful, post-remediation annual groundwater sampling of the remaining monitoring wells has been conducted. Two annual groundwater monitoring events have been conducted since remediation was completed in August 2010. Sample results from both sampling events showed that no contaminants were above the remedial action level. Based upon the results of the groundwater and surface water sampling, no further activities are warranted for this site. This site is proposed for deletion from the State Priority List.

State Priority List History

R & P Electroplating ceased operations in May 1997. The facility was vandalized on August 22, 1998 creating a release of an undetermined amount of various hazardous substances. On August 25, 1998, ADEQ issued a verbal Emergency Order of the Director for the facility owner to secure the site and retain an emergency services contractor. The facility owners failed to comply with the Order. An Emergency Order of the Director, LIS No. 98-124, was issued by ADEQ on August 27, 1998. ADEQ secured the response services of Haz-Mert, Inc. to proceed with all necessary response actions as detailed in the Order. On January 13, 1999 the Superfund Technical Assessment and Response Team (START) was tasked by the Region 6 United States Environmental Protection Agency (USEPA) to provide removal support at the site. Removal actions included waste stream classification; the sampling of drums, vats, various containers, trenches and sumps; and the removal of piping, conduit, wiring, air ducts, and hallway carpeting. Floors, trenches, and sumps were pressure washed and sealed with XYPEL concrete sealant. The site was listed on the State Priority List (SPL) in February of 2000 so state funds would be available for long term investigation or remediation.

Site Description

Location: The R & P Electroplating property is located at 2000 Pump Station Road in Fayetteville, Washington County, Arkansas. The geographic coordinates for the site are 36°02' 24" latitude North and 94°07' 56" longitude West.

Population: The population of the City of Fayetteville is 67,158.

Setting: The R & P Electroplating site is approximately 5.78 acres in size. The site is bounded by Pump Station Road to the south. A commercial building bounds the west side of the site. The West Fork of the White River and Combs Park are located adjacent to the site on its east side. A ball field bounds the site to the north. The site consisted of five interconnected buildings used to house the plating shop, warehouse, and offices. An 8-foot tall chain-link fence with barbed wire is located around the perimeter of the property. The property is heavily vegetated with overgrown weeds and grass.

Hydrology: The R&P site is located in the Boston Mountain Section of the Ozark Plateau Province. The Boston Mountain Section is a deeply dissected plateau region that generally ranges from 1,000 to more than 2,500 feet above sea level and is characterized by flattened ridges that rise from 300 to more than 1,000 feet above V-shaped valleys. Groundwater occurs at depths from 2 to 8 feet bgs in the unconsolidated clay and weathered shale. The general direction of groundwater flow is perpendicular to the contours in the direction of downward hydraulic gradient, thus groundwater generally flows east toward the West Fork of the White River (WFWR) except where affected by possible site features. Drainage on the north side of the property flows to a ditch immediately south of the baseball field then east toward the WFWR. Surface drainage across the southern side of the property is east toward the river. Overland flow and shallow drainages may allow contaminants in soil to migrate from the site to the WFWR. The southern structure of the facility is in the

floodplain but not in the floodway. There is a 6-ft base flood elevation drop at the concrete spillway southeast of the site, which changes flow conditions near the facility. The building reportedly flooded during heavy rains in April 2004.

Aerial Photo: R & P Electroplating, Fayetteville, Arkansas.



Waste and Volumes

During the remediation conducted from April 2010 to August 2010, wastes consisting primarily of construction and demolition debris were removed from the site and transported to authorized disposal facilities, including 21 tons of concrete floor slab material and fiberglass sump liners characterized as hazardous waste, and 6,276 gallons of sludge and sediments characterized as hazardous waste. 2,407 tons of non-hazardous concrete floor slab and trench sump material were transported off site for disposal at a construction and demolition landfill. 107 tons of non-hazardous scrap materials and abandoned shop equipment were transported off site for authorized reuse or recycling. 291 tons (161 cubic yards) of non-hazardous soils were transported off site for disposal at a construction and demolition landfill. A total of 217,790 gallons of stormwater and sump water were discharged to the city of Fayetteville's wastewater treatment system. Pre and post remediation verification sampling as well as other investigations related to the Remedial Action Construction Project were completed.

Health Considerations

Remedial activities during the spring and summer of 2010 removed any remaining contaminants from all media with the exception of groundwater. Post-remediation groundwater sampling events were conducted in March 2011 and February 2012. Both sampling events found that contaminants were below the remedial action level. It is assumed that the remediation and natural groundwater flushing from rain events have remediated the groundwater. The groundwater data shows that the R&P Property does not pose any human health exposure risk or ecological exposure risk.

ADEQ Response Actions

A review of the ADEQ files indicated a Consent Administrative Order (CAO) LIS No. 94-157 had been executed pertaining to a June 17, 1993, Compliance Evaluation Inspection (CEI). In addition, the ADEQ sent a number of letters (dated March 18, 1997, April 17, 1997, June 11, 1997, September 4, 1997, September 8, 1997, and December 17, 1997) to R&P, advising them of the May 21, 1996 and July 18, 1996, inspection findings, notice of non-compliance, offer of settlement, response to information requests, and revised offer of settlement. On or near the evening of August 22, 1998, the facility was vandalized and an undetermined amount of various hazardous substances were released. The local fire department responded and the ADEQ was notified on August 24, 1998. The release or threatened future release of hazardous substances potentially presented an imminent and substantial endangerment to public health, safety or welfare or to the environment, thus, on August 25, 1998, the ADEQ verbally issued an Emergency Order of the Director, followed by a written Order (LIS No. 98-124) dated August 27, 1998. The Emergency Order required an immediate response action to control the release of various hazardous substances at the site. R&P, however, failed to secure response services as required by the Emergency Order, so the ADEQ subsequently procured the services of an emergency response

contractor, Haz-MERT, Inc., to containerize and remove all hazardous substances associated with the facility and secure the facility. Subsequently, the CAO (LIS No. 98-124) was signed on November 10, 1998, identifying this action's potentially responsible parties, Mr. Frank C. Pummill, Mr. Arthur R. Pummill and R&P Electroplating, and addressing the issue of cost recovery. In 2003, the ADEQ completed a Comprehensive Site Assessment (CSA) on the property for the City of Fayetteville to determine what remedial actions are necessary to bring the property back in to productive use. A CSA was completed on the site in 2006 by ADEQ on behalf of the State Land Commissioner under the Brownfields program. Based on information supplied in the CSA Report and from other documents, ADEQ developed a draft RADD which detailed ADEQ's proposed actions for remediation of the site. The draft RADD was public noticed in the local newspaper on March 19, 2009. No comments were received in the thirty (30) day comment period. ADEQ then issued a Final RADD on June 4, 2009. ADEQ completed the remedial design process and bids were received for remedial action. Southern Environmental Management & Specialties (SEMS) was selected to be ADEQ's contractor to carry out the site improvements outlined in the ADEQ RADD. SEMS was issued a Notice to Proceed on March 23, 2010. On December 6, 2010, the Arkansas Building Authority awarded ADEQ a certificate of final completion as the project was deemed complete.

ADEQ Anticipated Future Activities

Based upon the results of the groundwater and surface water sampling, no further activities are warranted for this site. This site is proposed for deletion from the State Priority List.

Site Contacts

Project Coordinator:

Clay McDaniel

(501) 682-0836

Swift Chemical Company, Inc. (Farm Site)

STATE PRIORITY LIST SITE ROGERS, ARKANSAS 72756



ADEQ
5301 Northshore Drive
North Little Rock, Arkansas 72118



EPA RCRA ID No: ARR000011122
EPA CERCLA ID No: N/A
AFIN: 04-00342
County: Benton
Arkansas Senate District: 8
Arkansas House District: 96
US Congressional District: 3

Current Status

Groundwater sampling conducted during October 2006 indicated concentrations of Trichloroethene (TCE) at the Swift Chemical Company, Inc. (Swift Chemical) facility exceeded the maximum contaminant level (MCL) for that chemical in drinking water. In an effort to further characterize the groundwater and contaminant conditions within the Mississippian-age Boone Formation, Swift Chemical sampled and installed three (3) additional “deep” RCRA groundwater monitoring wells at the site. The results obtained from this study were submitted to Arkansas Department of Environmental Quality (ADEQ) in the Amended Plan 1 Sampling and Analysis Report on August 30, 2007. This report was reviewed by the staff of ADEQ and a Notice of Deficiency (NOD) was issued on December 19, 2007. Swift submitted the Revised Plan 1 Report. Plan 1 Report was approved on February 13, 2009. Swift Chemical submitted the Plan 2 to ADEQ based on the requirements of the Consent Administrative Order (CAO) LIS 03-075 on April 23, 2009. The Plan 2 submitted by the facility included three (3) years semi-annual monitoring of groundwater at the site. Upon monitoring of groundwater, Swift Chemical was required to place a deed restriction on the property to prohibit the use of groundwater. The facility is recommended to be removed from the State Priority List.

State Priority List History

Swift Chemical Company, Inc. has been in business since 1975 manufacturing industrial cleaners and solvents. The 2001 South 1st Street location is known as the “farm property” and includes three warehouses and fifteen above ground storage tanks. The site is listed in the Arkansas Pollution Control

and Ecology Commission (APC&EC) Regulation No. 30.302. It is stated this site has been designated as eligible for State funded investigation and necessary remedial actions. Investigations regarding this site were initiated based on the provisions of 2003 CAO LIS 03-075. This site is recommended to be removed from the State Priority List.

Site Description

Location: The site is approximately located 0.1 miles south of the intersection of State Highway 94 and South 1st Street in the northwest corner of Section 19, Township 19 North, Range 29 West in an area of mixed commercial, industrial and residential development.

Population: About 38,829 residents live in the City of Rogers.

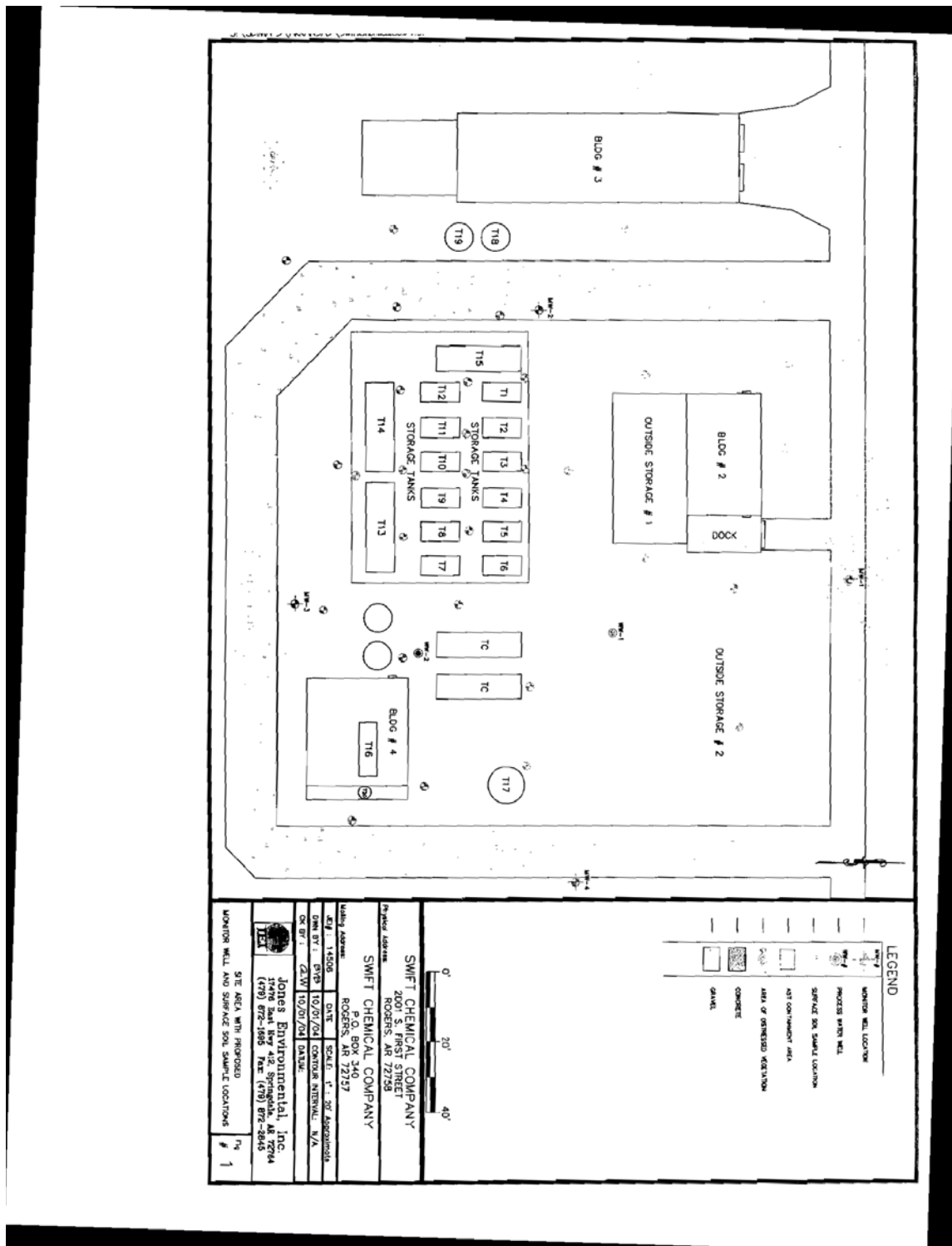
Setting: The Swift Chemical Farm Site is situated on approximately 2.75 acres and is located within the southeastern city limits of Rogers, Arkansas and within the southeastern section of Benton County, Arkansas. The facility includes three (3) warehouse buildings and an aboveground storage tank (AST).

Hydrology: The primary source of quality groundwater in the region is the siliceous-carbonate strata of the Ordovician Powell and Cotter Formation (Ozark Aquifer). Groundwater flow patterns and local hydraulic properties vary throughout these units due to the non-homogeneity of the aquifers. The topographic gradient and surface drainage of the area and site are toward the north, northeast and northwest, with surface elevations averaging 1,380' NGVD. Annual rainfall totals for the region average 44" per year.

Aerial Photo:



Site Diagram:



Waste and Volumes

No detectable concentrations of any volatile chemicals were detected in the soil samples. However, detectable concentrations of certain volatile chemical constituents were present in the groundwater at the site. These components are as follows: Trichloroethene (TCE), 2-Butanone also known as Methyl Ethyl Ketone (MEK), 1, 1 Dichloroethane (DCA) and Acetone.

Health Considerations

The site is under investigation at this time. The remediation at this site is pending final determination. However, due to TCE contamination above MCL at the site, ADEQ conducted a Johnson & Ettinger vapor intrusion model in May 2008 to evaluate health considerations utilizing conservative parameters. The results obtained indicated there were no unacceptable risks at the site.

ADEQ Response Actions

The investigation for the remediation of this site was initiated by the terms and provisions of a November 19, 2003 Consent Administrative order (CAO) LIS 03 – 075 entered into by Swift Chemical and ADEQ. The CAO required the facility to submit a Sampling and Analysis Plan designed to determine any hazardous substance present at this site. A total of four (4) RCRA monitoring wells were installed in October 2006. The groundwater sampling conducted during October 2006 indicated concentrations of Trichloroethene (TCE) at the Swift Chemical facility exceeded the maximum contaminant level (MCL) for that chemical in drinking water.

ADEQ required the facility to install three (3) deep wells at the site and perform further analysis. Swift Chemical submitted Amended Plan 1 discussing the results obtained. The Amended Plan 1 was reviewed and a NOD was issued on December 19, 2007. Revised Amended Plan 1 Report was submitted on October 2, 2008. The report was approved on February 13, 2009. Swift Chemical submitted Plan 2 for the remediation of groundwater on April 23, 2009. Plan 2 initiated a three (3) year semi-annual groundwater monitoring and reporting program. Plan 2 was approved on March 20, 2009. Swift submitted the first Semi-Annual Groundwater Monitoring Report on July 20, 2009. ADEQ staff reviewed the report and responded in a letter dated August 10, 2009. The facility has completed the task for the monitoring of groundwater.

ADEQ Anticipated Future Activities

The facility has placed a restrictive covenant on the property and submitted documentation to ADEQ. This site is recommended to be removed from the State Priority List.

Site Contacts

Project Coordinator:	Mostafa Mehran	(501) 682-0837 Mehran@adeq.state.ar.us
Information Repository:	None Officially Required	

EXHIBIT H:

SCHEDULING MINUTE ORDER

ARKANSAS POLLUTION
CONTROL AND ECOLOGY
COMMISSION

PETITION TO INITIATE RULEMAKING

Regulation No. 30
Docket No. 13-002-R

MINUTE ORDER NO. 13 -

PAGE 1 OF 4

On January 11, 2013, The Arkansas Department of Environmental Quality ("Department") filed a Petition to Amend Regulation No. 30 (Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List)(hereafter "Petition"). The Petition has been designated as Docket No. 13-002-R.

The Commission's Regulations Committee met on January 25, 2013 to review the Petition. Having considered the Petition, the Regulations Committee recommends the Commission institute a rulemaking proceeding to consider adopting the proposed revisions to Regulation No. 30.

1. The Department shall file an original and two (2) copies and a computer disk in Microsoft Word of all materials required under this Minute Order.

2. Persons submitting written public comments shall submit their written comments to the Department. Within ten (10) business days following the adoption or denial of the proposed rule, the Department shall deliver the originals of all comments to the Commission Secretary.

3. A public hearing shall be conducted on March 4, 2013, at 2:00 p.m. at the Department's offices at 5301 Northshore Drive, North Little Rock.

4. The period for receiving all written comments shall conclude ten (10) business days after the date of the public hearing pursuant to Regulation No. 8.806 unless an extension of time is granted.

5. The Department shall file, not later than fourteen (14) days before the Commission meets to consider adoption of the proposed rule, a Statement of Basis and Purpose as required by Regulation No. 8.815.

6. The Department shall file, not later than fourteen (14) days before the Commission meets to consider adoption of the proposed rule, a proposed Minute Order deciding this matter.

7. The Department shall seek review of the proposed rule from the Joint Interim Committee on Public Health and Welfare and from the Joint Interim Committee on Administrative Rules and Regulations.

8. The Regulations Committee may consider this matter at its June, 2013 meeting. In the event the appropriate legislative committees do not complete review of the proposed rule by the above date, the Regulations Committee and the Commission will consider the proposed amendment to the regulation after review by the appropriate legislative committees. Members of the Regulations Committee may ask questions of the Department and any person that made oral or written comments. The Regulations Committee will make a recommendation to the Commission.

9. At the Commission meeting, the presentation of oral statements and legal arguments shall be regulated as follows:

a. The Chair of the Commission will permit members of the public to make a statement to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. The Chair, in his discretion, may extend the one (1) hour oral statement period.

b. At the discretion of the Chair, an attorney representing one or more individuals, a corporation or other legal entity may be permitted five (5) minutes in which to address the Commission.

c. Department legal counsel or other designated Department employee will be permitted ten (10) minutes in which to address the Commission.

d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements who are present, any questions they may have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

After each Commissioner has had an opportunity to ask questions, the Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

10. The Commission finds the proposed regulation is exempt from Act 143 of 2007 (formerly Executive Order 05-04) as amended by Act 809 of 2009, because the proposed rule substantially codifies existing state law.

ARKANSAS POLLUTION
CONTROL AND ECOLOGY
COMMISSION

PETITION TO INITIATE RULEMAKING

Regulation No. 30
Docket No. 13-002-R

MINUTE ORDER NO. 13 -

PAGE 4 OF 4

The Commission accepts the recommendation of the Regulations Committee and initiates the rulemaking proceeding in Docket No. 13-002-R effective January 25, 2013. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

_____ J. Bates	_____ S. Jorgensen
_____ L. Bengal	_____ D. Samples
_____ J. Chamberlain	_____ L. Sickel
_____ J. Fox	_____ J. Simpson
_____ L. Hitchcock	_____ W. Thompson
_____ D. Hendrix	_____ B. White
	_____ R. Young

_____ **SUBMITTED BY:** T. Hynum **DATE PASSED:** 1/25/2013
Chairman