

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO) DOCKET NO. 17-___-R
REGULATION NO. 30: ARKANSAS)
REMEDIAL ACTION TRUST FUND)
HAZARDOUS SUBSTANCES)
SITE PRIORITY LIST)

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

Comes now the Arkansas Department of Environmental Quality (ADEQ), by and through Kevin White, Associate Director for Office of Land Resources, for its Petition to Initiate Rulemaking to Amend Arkansas Pollution Control & Ecology Commission (APC&EC) Regulation No. 30: Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List, states:

1. ADEQ initiates this rulemaking pursuant to the Remedial Action Trust Fund Act, Ark. Code Ann. § 8-7-501 *et seq.*, to adopt changes to state law in Act 1073 of the 2017 Regular Session of the Arkansas General Assembly and update the State Priority List Sites.

2. The proposed amendments to the regulation include:

A. ***Sites Proposed for Deletion from the State Priority List:*** In Chapter 3, two (2) sites are proposed to be deleted from those currently listed because site investigation and necessary remedial activities have been completed and the sites no longer pose a potential unacceptable risk to human health or the environment from hazardous substances defined under the Remedial Action Trust Fund Act. The sites proposed for delisting are:

- (1) Star Starett/Leer Mfg, Dumas, Desha County; and
- (2) Value Line, Arkadelphia, Clark County;

B. ***Brownfield Assessment Funding:*** A new Chapter 4 was added to address Act 1073 and the use of assessment grants for potentially contaminated sites for the facilitation of economic development and environmental improvement. Act 1073 authorizes the use of ten percent (10%) of the moneys collected for the Hazardous

Substance Remedial Action Trust Fund to be used for conducting site assessments of potentially contaminated sites under certain conditions; and

C. **Minor revisions** to include correcting typographical, grammatical, formatting, and stylistic errors.

3. There are no sites proposed for addition to the State Priority List and no changes to the National Priority List Sites.

4. Tammie Hynum, Office of Land Resources, will be available to answer questions concerning this proposed rulemaking.


5. Exhibits attached to this petition and incorporated by reference include:

- A. A mark-up version of the regulation showing the proposed changes as Exhibit A;
- B. A copy of the Governor's approval as Exhibit B;
- C. A copy of the Bureau of Legislative Research (BLR) Questionnaire as Exhibit C;
- D. A copy of the BLR Financial Impact Statement as Exhibit D; and
- E. A proposed Minute Order as Exhibit E.

6. Pursuant to APC&EC Reg. 8.808(A)(2) and (4), the provisions of Reg. 8.812 do not apply and an Economic Impact/Environmental Benefit Analysis is not required because this proposed regulation incorporates and adopts language of Arkansas state statutes without substantive change and otherwise only makes *de minimus* changes.

WHEREFORE, ADEQ requests that the APC&EC initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed amendments to Regulation No. 30.

Respectfully Submitted,



Kevin White
Associate Director, Office of Land Resources
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317
501-682-0962
white@adeq.state.ar.us