

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**



REGULATION NO. 30

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

**Approved by the Pollution Control and Ecology Commission
on March 26, 2004**

TABLE OF CONTENTS

CHAPTER 1: GENERAL PROVISIONS	1-1
Reg.30.101 Authority	1-1
Reg.30.102 Purpose	1-1
Reg.30.103 Definitions	1-1
Reg.30.104 Severability.....	1-1
CHAPTER 2: NATIONAL PRIORITY LIST SITES	2-1
Reg.30.201 Description	2-1
Reg.30.202 National Priority List Sites	2-1
CHAPTER 3: STATE PRIORITY LIST SITES	3-1
Reg.30.301 Description	3-1
Reg.30.302 State Priority List Sites.....	3-1
CHAPTER 4: EFFECTIVE DATE	3-1
Reg.30.401 Effective Date.....	3-1

CHAPTER 1: GENERAL PROVISIONS

Reg.30.101 Authority

This regulation is promulgated pursuant to provisions of the Remedial Action Trust Fund Act of 1985 (Act 479 of 1985, as amended, A.C.A. § 8-7-509(e)(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 Arkansas Code, Annotated, § 8-7-509(d)(2) and (d)(3). It is not a site inventory or historical list. Sites are numbered sequentially as they are added to the list, 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 Arkansas Code, Annotated, § 8-7-503, or as defined at APC&EC Regulation No. 23 § 260.10.

Reg.30.104 Severability

If any provision of this Regulation or the application thereof is held invalid, such invalidity shall not effect 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 APC&EC Regulation No. 23, §§ 26(c), 26(d), 26(e), and 26(i).

Reg.30.202 National Priority List Sites

- (A) Cecil Lindsey Landfill, Newport
- (B) Old Midland Products, Ola
- (C) Rogers Road Landfill, Jacksonville
- (D) Jacksonville/Graham Road Landfill, Jacksonville
- (E) Gurley Oil Pits, Edmonson
- (F) Popile, El Dorado
- (G) Mountain Pine Pressure Treating, Plainview

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 APC&EC Regulation No. 23, §§ 26 (g), 26(h), and 26(i).

Reg.30.302 State Priority List Sites

(A) Investigation category

- (1) Benton Salvage, Benton
- (2) Utilities Services, Inc., Pine Bluff
- (3) Jimelco, Little Rock
- (4) Rixey Iron & Metals Company, North Little Rock
- (5) Griffing Railway Repair, El Dorado
- (6) Leachville Metal Plating, Leachville
- (7) Mountain Pine Pressure Treating, Plainview
- (8) Plainview Lumber Company, Plainview
- (9) R&P Electroplating, Fayetteville.
- (10) Baird Manufacturing, Inc., Clarendon
- (11) Amity Lacquer Paint and Chemical Manufacturing Company, Amity
- (12) Red River Aluminum, Stamps
- (13) Cedar Chemical Corporation, West Helena
- (14) Swift Chemical Company Farm Property, Rogers
- (15) Swift Chemical Company Arkansas Street Site, Rogers
- (16) Arkansas Waste-to-Energy Incinerator Site, Osceola
- (17) Arkansas Waste-to-Energy Warehouse Site, Osceola
- (18) Arkansas Waste-to-Energy/E.R. Moore Site, Osceola
- (19) United States Forgecraft, Fort Smith

(B) Remediation Category

- (1) Vertac Chemical Corporation, Jacksonville
- (2) Benton Salvage, Benton
- (3) Garland County Industrial Landfill, Hot Springs
- (4) Utilities Services, Inc., Pine Bluff
- (5) Jimelco, Little Rock
- (6) Rixey Iron & Metals Company, North Little Rock
- (7) Griffing Railway Repair, El Dorado
- (8) Leachville Metal Plating, Leachville
- (9) Mountain Pine Pressure Treating, Plainview
- (10) Plainview Lumber Company, Plainview
- (11) R&P Electroplating, Fayetteville

- (12) Baird Manufacturing, Inc., Clarendon
- (13) Amity Lacquer Paint and Chemical Manufacturing Company, Amity
- (14) Red River Aluminum, Stamps
- (16) Mid-South Reclamation Industries, Smackover
- (17) Cedar Chemical Corporation, West Helena
- (18) Baldwin Organ and Piano Company, Fayetteville
- (19) Swift Chemical Company Farm Property, Rogers
- (20) Swift Chemical Company Arkansas Street Site, Rogers
- (21) Arkansas Waste-to-Energy Incinerator Site, Osceola
- (22) Arkansas Waste-to-Energy Warehouse Site, Osceola
- (23) Arkansas Waste-to-Energy/E.R. Moore Site, Osceola
- (24) United States Forgecraft, Fort Smith

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.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

SUBJECT: Petition to Initiate
Rulemaking - Reg. No. 30

DOCKET No. 04-003-R

MINUTE ORDER NO. 04 - _____

Page 1 of 3

On October 24, 2002, the Arkansas Department of Environmental Quality (“Department”) filed a Petition to Amend Regulation No. 30 (Arkansas Hazardous Substance Remedial Action Trust Fund List) (“Petition”). This Petition has been designated as Docket No. 04-____-R.

The Commission’s Regulations Committee met on March 26, 2004, to review the Petition. Having considered the Petition, the Regulations Committee recommends the Commission initiate a rulemaking proceeding to consider adopting the proposed revisions to Regulation No. 30.

1. The Arkansas Department of Environmental Quality (“Department”) shall file an original and two (2) copies 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 the week of May 3, 2004 at the Department offices in Little Rock. The exact date, time, and location of the public hearing will be determined by the Department’s Public Affairs Office.
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, Part 3, Section 3.6.2 (1), (2), and (3).
5. The Department shall file, not later than July 9, 2004 a Statement of Basis and Purpose, and Responsive Summary as required by Regulation No. 8, Part 3, Section 3.6.2 (1), (2), and (3).
6. The Department shall file, not later than July 9, 2004, a proposed Minute Order deciding this matter.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

SUBJECT: Petition to Initiate
Rulemaking - Reg. No. 30

DOCKET No. 04-____-R

MINUTE ORDER NO. 04 - _____

Page 2 of 3

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

8. The Regulations Committee will consider this matter at its July 26, 2004 meeting. 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's regularly scheduled July 26, 2004 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 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.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

SUBJECT:

Petition to Initiate
Rulemaking – Reg. No. 30

DOCKET No. 04-____-R

MINUTE ORDER NO. 04 - _____

Page 3 of 3

10. The Commission authorizes the Chair of the Regulations Committee, in consultation with the Chair of the Commission, to revise the procedures and schedules set out above.

The Commission accepts the recommendation of the Regulations Committee and initiates this rulemaking proceeding effective March 26, 2004. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

_____ B. Ackerman
_____ G. Black
_____ S. Henderson
_____ R. Mathis
_____ C. McGrew
_____ R. Quillen

_____ T. Schueck
_____ J. Shannon
_____ L. Sickel
_____ E. Valdez
_____ M. Woodward
_____ R. Young

W. Thompson, Chairman

SUBMITTED BY: Mike Bates **DATE PASSED:** Mar. 26, 2004