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

DOCKET NO. 13-002-R 

PETITION TO ADOPT CHANGES TO AMEND REGULATION NO. 30,  
HAZARDOUS SUBSTANCE REMEDIAL ACTION TRUST FUND SITE PRIORITY  
LIST 

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or the  
“Department”), for its Petition to Adopt Proposed Changes to Regulation No. 30,  
Remedial Action Trust Fund Hazardous Substance Site Priority List, submits the  
following:

1. Attached hereto as Exhibit “A” is ADEQ’s Statement of Basis and 
   Purpose, which was filed on June 14, 2013 in accordance with the 
   Commission’s Minute Order No. 13-05.

2. Attached hereto as Exhibit “B” is ADEQ’s Responsiveness Summary  
   which was filed on June 14, 2012 in accordance with the Commission’s  
   Minute Order No. 13-05.

3. Attached hereto as Exhibit “C” is a copy of the amended Regulation No.  
   30 as it will appear if the Commission grants this rulemaking request.

4. Attached hereto as Exhibit “D” is the Regulation Tracking Sheet.
5. Attached hereto as Exhibit “E” is a proposed Minute Order adopting the changes to Regulation No. 30 as proposed in this rulemaking docket, No. 13-002-R.

WHEREFORE, the Department respectfully requests the Commission to adopt by Minute Order the proposed changes to Regulation No. 30.

Respectfully submitted,

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

STATEMENT OF BASIS & PURPOSE
Statement of Basis and Purpose

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 proposed 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 proposed 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 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:

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.
EXHIBIT B:

RESPONSIVE SUMMARY
BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO REGULATION No. 30, REMEDIAL ACTION TRUST FUND HAZARDOUS SUBSTANCES SITE PRIORITY LIST DOCKET NO. 13-002-R

RESPONSIVE SUMMARY

March 30, 2013

The Arkansas Pollution Control and Ecology Commission initiated a proposal to revise APC&EC Regulation No. 30, Remedial Action Trust Fund Hazardous Substances Site Priority List, at its regular meeting on January 25, 2013, under docket number 13-002-R.

A public hearing was held at the Arkansas Department of Environmental Quality’s (ADEQ) headquarters in North Little Rock on March 4, 2013 to receive comments on the proposed revisions. No comments, written or oral, were received during the public comment period.

A copy of the proposed rulemaking was provided to the Arkansas Department of Economic Development on October 11, 2012, for a review of its potential effects on small businesses. No comments were received from the ADED during this review, or during the comment period.
EXHIBIT C:

REVISED REGULATION FOR ADOPTION
ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

REGULATION No. 30

ARKANSAS
REMEDIAL ACTION TRUST FUND
HAZARDOUS SUBSTANCES SITE
PRIORITY LIST

Adopted by
the Pollution Control and Ecology Commission
June 28, 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.

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(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

June 28, 2013
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.

June 28, 2013
## 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**

<table>
<thead>
<tr>
<th>EPA ID No.</th>
<th>AFIN</th>
<th>Site Name</th>
<th>Address/Location</th>
<th>City</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARD08493014805-00003</td>
<td>ARKWOOD, INC.</td>
<td>HWY 65 1M S</td>
<td>OMAHA</td>
<td>BOONE</td>
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</tr>
<tr>
<td>ARD98049618634-00077</td>
<td>CECIL LINDSEY LANDFILL</td>
<td>35.637562 N; -91.230540 E</td>
<td>NEWPORT</td>
<td>JACKSON</td>
<td></td>
</tr>
<tr>
<td>ARD03566246918-00131</td>
<td>GURLEY OIL PIT</td>
<td>35.119873 N; -90.312101 E</td>
<td>EDMONDSON</td>
<td>CRITTENDEN</td>
<td></td>
</tr>
<tr>
<td>ARD99066064954-00068</td>
<td>CEDAR CHEMICAL CO.</td>
<td>49 PHILLIPS RD 311</td>
<td>HELENA</td>
<td>PHILLIPS</td>
<td></td>
</tr>
<tr>
<td>ARD98049636866-00268</td>
<td>INDUSTRIAL WASTE CONTROL</td>
<td>35.239293 N; -94.354493 E</td>
<td>JENNY LIND</td>
<td>SEBASTIAN</td>
<td></td>
</tr>
<tr>
<td>ARD98080994143-00084</td>
<td>JACKSONVILLE (GRAHAM ROAD) MUNICIPAL LANDFILL</td>
<td>34.866382 N; -92.072375 E</td>
<td>JACKSONVILLE</td>
<td>PULASKI</td>
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<tr>
<td>ARD09291618857-00060</td>
<td>MID-SOUTH WOOD PRODUCTS</td>
<td>HWY 71S 3 BLOCKS S-S REINE ST</td>
<td>MENA</td>
<td>POLK</td>
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<tr>
<td>ARD98074566575-00049</td>
<td>OLD MIDLAND PRODUCTS</td>
<td>HWY 10 1/2 MIL E OF OLA</td>
<td>OLA</td>
<td>YELL</td>
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<tr>
<td>ARD98086411028-00066</td>
<td>MONROE AUTO EQUIPMENT CO.</td>
<td>5 MI SW OF PARAGOULD</td>
<td>PARAGOULD</td>
<td>GREENE</td>
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<tr>
<td>ARD04965862875-00008</td>
<td>MOUNTAIN PINE PRESSURE TREATING</td>
<td>HWY 28 E</td>
<td>PLAINVIEW</td>
<td>YELL</td>
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<tr>
<td>ARD04275523152-00001</td>
<td>OUACHITA NEVADA WOOD TREATER</td>
<td>.25 MI N PF HWY 368 &amp; MAIN</td>
<td>READER</td>
<td>OUACHITA</td>
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<tr>
<td>ARD00805250870-00049</td>
<td>POPILE, INC.</td>
<td>SOUTHFIELD RD</td>
<td>EL DORADO</td>
<td>UNION</td>
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<td>ARD98105580960-00759</td>
<td>ROGERS ROAD MUNICIPAL LANDFILL</td>
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<td>PULASKI</td>
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<tr>
<td>ARD98049672318-00130</td>
<td>SOUTH 8TH STREET LANDFILL</td>
<td>35.125641 N; -90.171356 E</td>
<td>WEST MEMPHIS</td>
<td>CRITTENDEN</td>
<td></td>
</tr>
<tr>
<td>ARD00002344060-00028</td>
<td>VERTAC, INC.</td>
<td>1600 MARSHALL ST</td>
<td>JACKSONVILLE</td>
<td>PULASKI</td>
<td></td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>EPA ID No.</th>
<th>AFIN</th>
<th>Site Name</th>
<th>Address</th>
<th>City</th>
<th>ZIP</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARD035434596</td>
<td>73-00022</td>
<td>ARKANSAS GENERAL INDUSTRIES</td>
<td>102 MILLER STREET</td>
<td>BALD KNOB</td>
<td>72010</td>
<td>WHITE</td>
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<tr>
<td>ARD982286957</td>
<td>47-00003</td>
<td>ARKANSAS WASTE-TO-ENERGY WAREHOUSE SITE</td>
<td>420 W PARSONS DRIVE</td>
<td>OSCEOLA</td>
<td>72370</td>
<td>MISSISSIPPI</td>
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<tr>
<td>ARD006337620</td>
<td>72-00676</td>
<td>BALDWIN PIANO &amp; ORGAN CO.</td>
<td>1101 S BEECHWOOD AVE</td>
<td>FAYETTEVILLE</td>
<td>72701</td>
<td>WASHINGTON</td>
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<tr>
<td>ARD980583470</td>
<td>52-00163</td>
<td>BEI DEFENSE SYSTEMS</td>
<td>HIGHWAY 274 12 MI E</td>
<td>EAST CAMDEN</td>
<td>71701</td>
<td>CALHOUN</td>
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<tr>
<td>ARD035560507</td>
<td>60-01942</td>
<td>FASHION PARK CLEANERS</td>
<td>1101 CUMBERLAND ST</td>
<td>LITTLE ROCK</td>
<td>72202</td>
<td>PULASKI</td>
</tr>
<tr>
<td>ARD990661050</td>
<td>52-00355</td>
<td>GENERAL DYNAMICS CORP</td>
<td>204 OUACHITA 212, AIRPORT IND PARK</td>
<td>EAST CAMDEN</td>
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<td>None</td>
<td>04-00165</td>
<td>FULTON CLASS 3C LANDFILL</td>
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<td>ROGERS</td>
<td>72756</td>
<td>BENTON</td>
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<td>70-00283</td>
<td>GRIFFING RAILWAY REPAIR</td>
<td>SCHOOL ST BOX 1735</td>
<td>EL DORADO</td>
<td>71730</td>
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<td>None</td>
<td>43-00298</td>
<td>I CAN, INC</td>
<td>420 W ACADEMY ST</td>
<td>LONOKE</td>
<td>72086</td>
<td>LONOKE</td>
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<tr>
<td>ARD008049297</td>
<td>70-00694</td>
<td>NORPHLET CHEMICAL CO.</td>
<td>HWY 335 AND MACMILLAN ROAD</td>
<td>NORPHLET</td>
<td>71759</td>
<td>UNION</td>
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<tr>
<td>ARD0000605322</td>
<td>37-00028</td>
<td>RED RIVER ALUMINUM</td>
<td>HWY 82 WEST</td>
<td>STAMPS</td>
<td>71600</td>
<td>LAFAYETTE</td>
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<tr>
<td>ARD041054552</td>
<td>21-00080</td>
<td>STAR STARRETT/LEER MFG</td>
<td>HWY 65 S IM S 65/165 JCT</td>
<td>DUMAS</td>
<td>71639</td>
<td>DESHA</td>
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<tr>
<td>None</td>
<td>42-00117</td>
<td>THOMPSON SCIENTIFIC</td>
<td>1605 RIVER PORT RD</td>
<td>SCRANTON</td>
<td>72863</td>
<td>LOGAN</td>
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<td>EPA ID No.</td>
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<td>AR0000100859</td>
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<td>UTILITY SERVICES, INC</td>
<td>10184 HWY 79S</td>
<td>PINE BLUFF</td>
<td>71603</td>
<td>JEFFERSON</td>
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<td>AR0000000331</td>
<td>10-00234</td>
<td>VALUE-LINE</td>
<td>701 S 3RD STREET</td>
<td>ARKADELPHIA</td>
<td>71923</td>
<td>CLARK</td>
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</table>
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.
EXHIBIT D:

REGULATIONS TRACKING SHEET
# ADEQ REGULATIONS TRACKING SHEET

<table>
<thead>
<tr>
<th>Regulation No.</th>
<th>Common Name:</th>
<th>Arkansas Hazardous Substance Remedial Action Trust Fund Priority Lists</th>
</tr>
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<tbody>
<tr>
<td>30</td>
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**Docket # 13-002R**

1. **Strawman review** of draft regulations by key groups.

<table>
<thead>
<tr>
<th>Group</th>
<th>Initiated</th>
<th>Completed</th>
<th>Incorporated</th>
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</thead>
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<tr>
<td>U.S. EPA</td>
<td>10/10/2012</td>
<td>10/10/2012</td>
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<tr>
<td>ADEQ Legal/Admin</td>
<td>9/20/2012</td>
<td>10/9/2012</td>
<td>10/9/2012</td>
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<tr>
<td>Industrial/Environmental Groups</td>
<td>10/10/2012</td>
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<td>N/A</td>
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<tr>
<td>AR Economic Development Comm.</td>
<td>10/11/2012</td>
<td>10/11/2012</td>
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</tbody>
</table>

**Regulatory Flexibility**

**Comments:** Annual (2012) update of Regulation No. 30; deletes five (5) sites from State Priority List, and adds Cedar Chemical to the federal NPL listing.

2. Proposed regulations presented to Commission’s **Regulations Committee** for approval to proceed to public comment period.

- **Date:** 1/25/2013
- **Comments/Approval:** Approved for initiation

3. **Legal Notice** of proposed regulations and public hearing:

- **Publication:** Arkansas Democrat-Gazette
- **Dates of publication:** January 30-31, 2013

4. Provide **Legislative Council** with three (3) copies of proposed regulations and the legislative questionnaire at least ten (10) days prior to the first public hearing.

5. Hold **public hearing(s)** on the proposed regulations.

<table>
<thead>
<tr>
<th>Location</th>
<th>Date</th>
<th>Hearing chairman</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission Room, ADEQ</td>
<td>2:00 p.m., March 4, 2013</td>
<td></td>
</tr>
<tr>
<td>5301 Northshore Drive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Little Rock, AR 72218</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

6. **Date of final day of public comment period:** 4:30 p.m., March 18, 2013

7. **Final proposed regulations and response to comments** prepared by Department

- **Date initiated:** March 30, 2013
- **Date completed:** March 30, 2013

8. Formal presentation to the **Public Health & Welfare Committee** of the Legislative Council.

- **Date:** June 11, 2013
- **Comments/Approval:** Approved

9. Formal presentation of proposed final regulation to the **Administrative Rules & Regulations Subcommittee** of the Legislative Council (All Regs).

- **Date:**
- **Comments/Approval:** Reviewed
10. Formal presentation of proposed final regulation to the Commission’s Regulations Committee.
   Date: June 28, 2013
   By: Ryan Benefield
   Comments/Approval:

11. Provide Commission members with copy of proposed final regulation prior to Commission meeting.
   Date delivered: June 14, 2013
   Comments/Approval:

12. Present proposed final regulation to the Commission for adoption.
    Date: June 28, 2013
    By: Ryan Benefield
    Comments/Approval:

13. Send two copies of adopted regulation to Secretary of State (regulation becomes effective twenty (20) days after filing).
    Date delivered:

14. Formally submit adopted regulation to U.S. EPA.
    Date mailed:

PREPARED BY:
ARKANSAS DEPARTMENT
OF ENVIRONMENTAL QUALITY

By: Tom Ezell
Programs Branch Manager
Hazardous Waste Division
EXHIBIT E:

MINUTE ORDER
Pursuant to public notice and hearing and after consideration of all comments received, the Arkansas Pollution Control and Ecology Commission hereby adopts changes to Regulation No. 30 (Remedial Action Trust Fund Hazardous Substance Site Priority List) as detailed in the Final Rule submitted before the Commission.

PROMULGATED THIS 28th DAY OF JUNE, 2013, BY ORDER OF THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

BY: ______________________
    Stan Jorgensen, Chair

ATTEST:

________________________
Teresa Marks, Director

COMMISSIONERS:

____  J. Bates
____  L. Bengal
____  J. Chamberlain
____  J. Fox
____  L. Hitchcock
____  D. Hendrix

____  D. Samples
____  L. Sickel
____  J. Simpson
____  W. Thompson
____  B. White
____  R. Young

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Stan Jorgensen, Chair

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