

EXHIBIT E

DEPARTMENT OF ENVIRONMENTAL QUALITY, HAZARDOUS WASTE DIVISION

SUBJECT: Regulation No. 30; Arkansas Remedial Action Trust Fund Hazardous Substances Site Priority List

DESCRIPTION: Regulation 30 establishes the State Hazardous Substances Site Priority List (SPL) which identifies Arkansas locations with hazardous substance issues which have been authorized for funding by the State Hazardous Substances Remedial Action Trust Fund for assessment and possible remedial action.

Proposed changes to Regulation 30 include deleting three sites from the SPL because remedial actions at the locations have been performed to the extent that the sites no longer pose an unacceptable risk to human health or the environment; adding one site to the SPL for investigation, characterization, and remediation as may be needed; and transferring one site from the SPL to the National Priority List (NPL), which is administered by the U.S. Environmental Protection Agency.

Sites proposed for deletion from the SPL are:

- Arkansas Waste to Energy-Warehouse, 402 West Parsons Drive, Osceola, Mississippi County, Arkansas
- Norphlet Chemical Co., Hwy 335 and MacMillan Road, Norphlet, Union County, Arkansas.
- I Can, Inc., 420 East Academy Street, Lonoke, Lonoke County, Arkansas.
- Thompson Scientific Industries, 1605 River Port Road, Scranton, Logan County, Arkansas.

Sites proposed for addition to the SPL are:

- 49ers Resource Recovery and Forty Nine Metals Management, LLC, 4722 U.S. Highway 49 North, Paragould, Greene County, Arkansas.

Sites proposed for NPL listing for remedial action are:

- MacMillan Ring Free Oil aka Norphlet Chemical, 600 MacMillan Road (State Highway 335), Norphlet, Union County, Arkansas.

PUBLIC COMMENT: A public hearing was held on September 30, 2014. The public comment period expired on October 14, 2014. The following public comment was received from Brad Jones, Arkansas Department of Health:

Comment: The Arkansas Department of Health requested the Norphlet Chemical site be added to the list of Superfund sites due to the fact it is within one-half mile of the Norphlet Waterworks Well #3 and the Wellhead Protection Area.

Response: ADEQ acknowledges this comment. MacMillan Ring Free Oil, a/k/a Norphlet Chemical, was placed on the National Priority List under Final Rule #58 on or about May 8, 2014. Therefore, this request has no impact on the proposed rulemaking.

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The effective date of this rule is on or about December 20, 2014.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT: The total cost for implementing investigations, cleanup, and long-term care of sites listed in the regulation is \$2.25 million (RATFA) for the current fiscal year and \$2.5 million (RATFA) for the next fiscal year.

LEGAL AUTHORIZATION: Arkansas Code Ann. § 8-7-509 creates the Hazardous Substance Remedial Action Trust Fund and authorizes the Arkansas Pollution Control and Ecology Commission to establish a prioritized listing of hazardous substance sites that is to be revised annually by the Arkansas Department of Environmental Quality. Pursuant to Ark. Code Ann. § 8-7-506, the Commission is authorized to promulgate regulations concerning the Hazardous Substance Remedial Action Trust Fund Act.