

Program Overview

Program Name: Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ)

Summary: The Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) is administering its Brownfield Program to redevelop properties with either real or perceived hazardous substance contamination. DEQ hopes to encourage the development of brownfields as a sustainable land use policy and discourage the development of greenfields or pristine properties in the State of Arkansas. <http://www.adeq.state.ar.us/hazwaste/bf/default.htm>

Website: <https://www.adeq.state.ar.us/hazwaste/programs/brownfield/>

Funding Source(s) for the Program: Federal grants

Cost to enter program or fees for service: A fee schedule has not been established for the Brownfields Program.

Sites Enrolled in VCP: As of December 2021, 155 sites were enrolled in the Brownfields Program.

Sites Completed under VCP: As of December 2022, 51 brownfield sites were completed.

Contacts

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Assessment and Cleanup Funding

Arkansas uses its U.S. EPA Section 128(a) Response Program funding to conduct Phase I (ESAs), Comprehensive Site Assessments (CSAs), and minor site cleanup for municipalities, quasi-governmental organizations and nonprofits. The state performs targeted site assessments to characterize the nature and extent of site contamination. This characterization is at no cost to an eligible program participant, and provides assistance in quantifying the need for and potential cost of cleanup. <http://www.adeq.state.ar.us/hazwaste/bf/default.htm#FinancialAssist>

Liability Relief Provisions

Under the state's VCP program, DEQ issues Implementing Agreements (IAs) establishing cleanup liabilities and obligations for the abandoned site. The Brownfield participant is not relieved of any liability for contamination later caused by the participant, or contamination not intended to be addressed in the IA, after acquisition of legal title to the brownfield site. A prospective purchaser of an abandoned site will not be responsible for paying any fines or penalties levied against any person responsible for contamination on the abandoned site prior to the IA with DEQ.

Methods/Standards/Controls

The state's cleanup standards are based on a risk management process. No single set of cleanup levels are implemented and site-specific factors are considered when developing action levels. Cleanup goals may be met by reaching background metals concentrations, consulting EPA Region 6 Human Health

Media Specific Screening Levels, performing a traditional human health risk assessment, or a combination of all three options when appropriate.

Contaminants Managed

Asbestos: Yes

Lead: Yes

PCBs: Yes

Petroleum and Fuels: Yes

Other Contaminants: Yes - RCRA Metals, VOCs, SVOCs

Institutional Controls

The Arkansas Brownfield Program uses a risk-based cleanup strategy which sometimes includes implementation of ICs. ICs implemented are typically deed restrictions.

IC Tracking: The Participant must file the restrictive covenants on the deed of the property and provide a file-marked copy from the County Clerk to DEQ.

IC Oversight: DEQ can provide audits on ICs at any time.

IC Monitoring: Completed Brownfield sites are subject to 5-Year Reviews, which include confirmation of ICs.

Related Programs

Regulated Storage Tanks (RST) Program

<http://www.adeg.state.ar.us/rst/default.htm>