Union County, Arkansas Property: Arkansas Department of Energy and Environment – Division of Environmental Quality and A. E. H., LLC Enter Into Elective Site Clean Up Agreement

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The Arkansas Department of Energy and Environment – Division of Environmental Quality ("ADEQ") and A.E.H., LLC ("AEH") entered into an April 28 elective site clean up agreement (ESCA"). See Lis No. 26-007.

The ESCA addresses the property in Union County, Arkansas ("Site").

The ESCA describes the site as indicated by a survey comprised of two tracts which include:

- Tract 1 has an area of 2.286 Acres
- Tract 2 has an area of 3.421 acres

Described in ESCA is the prior ownership of the property including the previous operation of an air separation plant which was demolished and removed in 2022.

Various federal and state programs (including ESCA and others in Arkansas) used risk-based corrective action remediation standards to tailor clean up levels according to site-specific factors. Such programs often take into account criteria such as to what extent the site is characterized and/or future land use. Typically superimposed upon these various procedures are site-specific analyses and a requirement that the standards be protective of human health and environment.

Agencies may be willing in some circumstances to provide blessing (subject to certain caveats) of a site's conditions if they deem contaminants adequately delineated and/or isolated for potential exposure. The approval of site conditions will likely be based on a combination of acceptability under applicable screening levels and/or whether the property uses are compatible with these conditions. The incorporation of enforceable institutional controls (i.e., deed restrictions, restrictive covenants, or easements) or controls such as barriers (pavement in certain areas, etc.) may be used to ensure continued inherence to the restrictions by the current and future real property owners.

The ESCA states that a limited environmental assessment of the site in March, 2024 indicated an estimated 5,000 cubic yards of lime material had been stockpiled on the site. The document further

describes current ownership of the site and responsibility for a mediation pursuant to a stock purchase agreement.

Oiled Field Energy Services is stated to have been hired to excavate and remove the lime material occupying 1.22 acres of the total area and encompassing 5.7 acres. Further work is described and Pollution Management, Inc. is stated to have subsequently submitted an interim remediation report documenting that the lime at the site had been removed and disposed of at a permitted solid waste disposal facility.

AHP requested enrollment in the ESCA program to determine whether further clean up of the site is necessary.

The ESCA subsequently describes the actions that will be required to be undertaken including if necessary additional delineation, remediation along with reporting. Timelines are specified for undertaking such activities. Deed restrictions may be required in certain instances.

Upon approval of the Completion Report, and receipt of deed restrictions if necessary, ADEQ will issue a no further action determination to both AHP and the City of Smackover. The no further action determination is stated to indicate that:

> … ADEQ has no further requirements related t the specific scope of the investigation of identified area(s) of concern as documented in the SIP and RAP.

Other requirements are specified in the document.

A copy of the ESCA is attached.