

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING AND PUBLIC COMMENT PERIOD

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Waldron on April 2, 2019, to receive comments on a reinitiated third-party proposal by Tyson Foods, Inc. – Waldron Facility (Tyson-Waldron) to amend APC&EC Regulation No. 2, the Arkansas Water Quality Standards for an Unnamed Tributary (UT) from Tyson-Waldron to the Poteau River, and the Poteau River from the UT to the Highway 59 Bridge. The hearing will begin at 6:00 p.m. in the courtroom of the Scott County Courthouse, 190 West First Street, Waldron, Arkansas.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearing. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. (Central Time), April 16, 2019.

Sections 8.809 through 8.811 of APC&EC Regulation No. 8 (Administrative Procedures), and Arkansas Code Annotated, Section 8-4-202(c) provide that outside parties may petition APC&EC to initiate the rulemaking process to adopt or amend regulations under APC&EC's jurisdiction. APC&EC authority to amend Regulation No. 2 is found in Arkansas Code Annotated, Section 8-4-201, *et seq.*

The fact that APC&EC has agreed to re-initiate such a third-party rulemaking procedure does not constitute an endorsement of the proposal at this time. The APC&EC will decide whether to adopt the proposed changes after the conclusion of the public comment period for the proposal and after Tyson-Waldron and the Arkansas Department of Environmental Quality (ADEQ) respond to all public comments submitted during the open comment period.

Tyson operates a feed mill, chicken processing plant, and hatchery at the Tyson-Waldron site, with a wastewater discharge to the Unnamed Tributary thence to the Poteau River pursuant to NPDES Permit No. AR0038482. Tyson-Waldron is requesting the following amendments to Regulation No. 2:

- Modify the dissolved minerals water quality criteria for the Unnamed Tributary from the Tyson-Waldron outfall to the confluence with the Poteau River
 - chlorides from 150 mg/L to 180 mg/L
 - sulfates from 70 mg/L to 200 mg/L
 - TDS from 660 mg/L to 870 mg/L
- Modify the dissolved minerals water quality criteria for the Poteau River from the confluence with the Unnamed Tributary to the Highway 59 Bridge
 - chlorides from 120 mg/L to 185 mg/L
 - sulfates from 60 mg/L to 200 mg/L
 - TDS from 500 mg/L to 786 mg/L

Detailed copies of Tyson-Waldron's proposed regulation change, along with supporting documents and summary information, are available for public inspection during normal business hours at ADEQ's Public Outreach and Assistance Division, located at ADEQ's North Little Rock Office, and in ADEQ information depositories located in public libraries at Fort Smith, Hot Springs, Mena, Russellville, and the main branch of the Little Rock Public Library, 100 Rock Street, and the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock.

In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Harrison, Helena, Hope, Jonesboro, Magnolia, Monticello, Mountain Home, Pocahontas, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas Pine Bluff and the University of Central Arkansas at Conway.

Information concerning the proposed changes can also be viewed and downloaded at ADEQ's website at the following URL address: www.adeq.state.ar.us.

Oral and written comments on the proposed changes to Regulation No. 2 will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written or electronic comments should be sent to Raeanne Gardner, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to the following address: reg-comment@adeq.state.ar.us.

Dated this 8th day of February, 2019.

Becky W. Keogh, Director,
Arkansas Department of Environmental Quality