

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARINGS

The Arkansas Pollution Control and Ecology Commission (PC&EC) will hold four public hearings at Van Buren, Mountain Home, Springdale, and Little Rock during March and April of 2006 to receive comments on a third-party proposal by River Valley Regional Water District (RVRWD) to change the Arkansas Water Quality Standards (PC&EC Regulation No. 2) by establishing a procedure to remove the current prohibition against making alterations to bodies of water designated as extraordinary resource waters (ERW) in order to construct public drinking water supply systems on the designated waters.

Public hearings on the proposal will be held as follows:

- March 27, 6:00 p.m., Northridge Middle School cafeteria, 120 Northridge Drive, Van Buren
- April 3, 6:00 p.m., Arkansas State University at Mountain Home, Dryer Hall, McMullin Lecture Hall, 1600 S. College
- April 10, 6:00 p.m., Jones Center for Families chapel, 922 E. Emma, Springdale
- April 17, 1:00 p.m., Arkansas Department of Environmental Quality Building G Commission Room, Arkansas State Police Headquarters Building, No. 1 State Police Plaza, Little Rock

Sections 3.4.1 through 3.4.4 of PC&EC Regulation No. 8 (Administrative Procedures), and the Arkansas Code, Annotated, Section 8-4-202(c) provide that outside parties may petition the PC&EC to initiate the rulemaking process to adopt or amend regulations under the PC&EC's jurisdiction. Arkansas Code, Annotated, Section 8-4-201(b)(1) authorizes the PC&EC to adopt water quality standards for the State of Arkansas.

The fact that the PC&EC has agreed to initiate such a third-party rulemaking procedure does not constitute an endorsement of the proposal at this time. The PC&EC will decide whether to adopt the proposed changes after the conclusion of the public comment period for the proposal and after RVRWD and the Arkansas Department of Environmental Quality (ADEQ) staff each respond to all public comments submitted. It is anticipated that the proposal will be placed before the PC&EC for final action at a special meeting tentatively scheduled for October 26, 2006.

The RVRWD proposal would revise Section 2.304 of Regulation No. 2 by establishing a procedure to allow physical alteration of ERWs for providing sources of public drinking water supplies under specified conditions, which include:

- The alteration must be requested by a public entity responsible for providing domestic drinking water supplies;
- The proposal must be certified by the Arkansas Natural Resources Commission as being in compliance with the State Water Plan;
- An environmental impact statement which meets federal standards for such studies must be prepared by the entity proposing the alteration to the ERW;
- A public notice providing for a minimum of 45 days to comment on the proposal must be published;

- And, the proposal must be approved by the PC&EC, based on a finding that the benefits of the ERW physical alteration outweigh any adverse affects to the water body impacted by the proposal.

In addition to seeking public comments on the specific language proposed by RVRWD for revising Regulation No. 2, the Commission is also soliciting comments on related issues, including, but not limited to, alternate standards for allowing significant physical alterations of the habitat within extraordinary resource waters for the purpose of providing for drinking water needs, and the effect of the state and federal antidegradation policies on the RVRWD proposal.

Detailed copies of the proposed regulation change, along with support documents, summary information, and other information in the record of this proposed rulemaking are available for public inspection at the ADEQ's Little Rock office in the Public Outreach and Assistance Division, Building D, 8101 Interstate 30, and in ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway, and in the Arkansas State Library located on the State Capitol grounds at Little Rock.

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

Oral and written comments on the proposed change to Regulation No. 2 will be accepted at the hearings, but written comments are preferred in the interests of accuracy. In addition, written or electronic mail comments will be accepted if received no later than 4:30 p.m. May 3, 2006. Written comments should be sent to Doug Szenher, public/media affairs manager, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments should be sent to the following address: reg-comment@adeq.state.ar.us .

Published February 5 and 6, 2006,

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