

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (PC&EC) will hold a public hearing at Dell, Arkansas, January 30, 2006, to receive comments on a third-party proposal by Associated Electric Cooperative, Inc., (AECI) to change the Arkansas Water Quality Standards (PC&EC Regulation No. 2) for three streams which will be affected by the wastewater discharge from the AECI electric generating plant under construction at Dell in Mississippi County. The hearing will begin at 6:00 p.m. in the Dell Community Center, located on the Old School Property at 410 School Street.

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 Statute 8-4-201(3) 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 AECI and the Arkansas Department of Environmental Quality (ADEQ) staff respond to all public comments submitted.

AECI proposes to discharge wastewater from the power plant to Ditch No. 27, which flows into Ditch No. 6, which then flows into the Tyronza River. The wastewater consists primarily of cooling tower blowdown, along with filter backwash and low volume waste, comprised of boiler blowdown, wastewater from water treatment, and effluent from floor and yard drains. Specifically, the AECI proposal would make the following changes to PC&EC Commission Regulation No. 2:

- For Ditch No. 27, increase the current water quality standard for TDS from 411 milligrams per liter (mg/l) to 1,200 mg/l; increase the sulfate standard from 37 mg/l to 480 mg/l; and increase the temperature standard from 89.6 degrees Fahrenheit (F) to 95 degrees F. The changes would apply to the entire length of Ditch No 27, from its origin near the power plant boundary to its confluence with Ditch No. 6.
- For Ditch No. 6, increase the current water quality standard for TDS from 411 mg/l to 630 mg/l, and increase the sulfate standard from 37 mg/l to 210 mg/l. The changes would apply to the portion of Ditch No. 6 from its confluence with Ditch No. 27 downstream to its mouth at the Tyronza River.
- For the Tyronza River, increase the current water quality standard for sulfate from 30 mg/l to 60 mg/l. The change would apply to the portion of the river from its confluence with Ditch No. 6 downstream to its mouth at the St. Francis River.
- The proposal would also remove the current domestic drinking water use designations for the entire length of Ditch No. 27 and, for the portion of Ditch No. 6 from its confluence with Ditch No. 27 to its mouth at the Tyronza River. (Neither of the affected portions of the two streams currently is being used as a

source of domestic drinking water, nor is there any expectation that the streams would ever be used for that purpose.)

Detailed copies of the proposed regulation change, along with support documents and summary information, are available for public inspection at the ADEQ's Little Rock office in the Public Outreach and Assistance Division, Building D, 8101 Interstate 30; at the Dell City Hall, 100 Main Street; and in ADEQ information depositories located in public libraries at Blytheville, Forrest City, and Jonesboro. In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Fort Smith, Harrison, Helena, Hope, Hot Springs, 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 hearing, 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. February 13, 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 .

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