

PROPOSED NOTICE OF PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APCEC) will hold a public hearing at El Dorado, AR on _____, 2006, to receive comments on a third-party proposal by El Dorado Chemical Company (EDCC) to change certain Arkansas Water Quality Standards (APCEC Regulation No. 2), for two unnamed tributaries to Flat Creek (UTA and UTB), Flat Creek from mouth of UTA tributary to the mouth of Haynes Creek, and Haynes Creek from confluence of Flat and Salt Creeks downstream to confluence with Smackover Creek, and to remove the designated, but not existing, domestic water supply use designation from UTA, UTB, and Flat Creek from mouth of UTA tributary to the mouth of Haynes Creek, and Haynes Creek from confluence of Flat and Salt Creeks downstream to confluence with Smackover Creek (Union County). The hearing will begin at 7:00 p.m. at the _____.

Sections 3.4.1 through 3.4.4 of APCEC Regulation No. 8 (Administrative Procedures), and Arkansas Code Annotated 8-4-202(c) provide that outside parties may petition the APCEC to initiate the rulemaking process to adopt or amend regulations under the APCEC's jurisdiction. Arkansas Code Annotated 8-4-201(3) authorizes the APCEC to adopt water quality standards for the State of Arkansas. The fact that the APCEC has agreed to initiate such rulemaking procedures does not constitute an endorsement of the third-party proposal. The APCEC will decide whether to adopt the proposed changes after the conclusion of the public comment period for the proposal and after EDCC and the Arkansas Department of Environmental Quality (ADEQ) staff respond to all public comments submitted.

EDCC operates a fertilizer and acid manufacturing, storage, and distribution facility on the north side of El Dorado, Union County, Arkansas. The facility discharges storm water and processed wastewater through Outfall 001 as authorized by the Arkansas Department of Environmental Quality (ADEQ) under National Pollution Discharge Elimination System (NPDES) Permit No. AR0000752.

The effluent from Outfall 001 discharges into unnamed wet weather tributaries. The discharge limits contained in the NPDES Permit are based on ecoregion numbers and the maintenance of a domestic drinking water supply use. The domestic drinking water supply uses for the affected watercourses are designated, but not attainable, uses because the natural, ephemeral and low flow conditions prevent the attainment of the use. The aquatic life field studies conducted in April of 2005 and 2006 show that despite the fact that the watercourses are seasonal wet weather tributaries with small watersheds which limit the development of biotic communities, the designated aquatic life use and the biological integrity of the watercourses is being maintained downstream of the discharges. Further whole effluent toxicity testing demonstrates that there is toxicity as a result of the dissolved mineral concentrations.

Pursuant to Section 2.306 of Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 2, Section 3.4 of APCEC Regulation No. 8 and the Continuing Planning Process, EDCC is requesting the following modifications to Regulation No. 2:

- a. modify the dissolved minerals criteria for the UTA as follows:

TDS from 123 mg/L to 315 mg/L
Sulfate from 31 mg/L to 80 mg/L
Chloride from 14 mg/L to 16 mg/L

- b. modify the dissolved minerals criteria for the UTB as follows:

TDS from 123 mg/L to 475 mg/L
Sulfate from 31 mg/L to 125 mg/L
Chloride from 14 mg/L to 23 mg/L

- c. modify the dissolved minerals criteria for Flat Creek from mouth of UTA tributary to the mouth of Haynes Creek as follows:

TDS from 123 mg/L to 560 mg/L
Sulfate from 31 mg/L to 67 mg/L
Chloride from 14 mg/L to 165 mg/L

- d. modify the dissolved minerals criteria for Haynes Creek from confluence of Flat and Salt Creeks downstream to confluence with Smackover Creek as follows:

TDS from 123 mg/L to 855 mg/L
Sulfate from 31 mg/L to 55 mg/L
Chloride from 14 mg/L to 360 mg/L

- e. remove the Domestic Water Supply use designation for the UTA.

- f. remove the Domestic Water Supply use designation for the UTB.

- g. remove the Domestic Water Supply use designation for Flat Creek from mouth of UTA tributary to the mouth of Haynes Creek.

- h. remove the Domestic Water Supply use designation for Haynes Creek from confluence of Flat and Salt Creeks downstream to confluence with Smackover Creek.

This request is supported by a Section 2.306 Site Specific Water Quality Study for Cl, SO₄ and TDS and the following:

- The domestic water supply use designation for the UTB, UTA, and above described portions of Flat Creek and Haynes Creek were assigned by default, are

not existing uses, and are not attainable uses because the natural, ephemeral and low flow conditions prevent the attainment of the use;

- The aquatic life field studies conducted in April 2005 and 2006 show that despite the fact that the watercourses are seasonal wet weather tributaries with small watersheds which limit the development of biotic communities, the designated aquatic life use and the biological integrity of the watercourses are being maintained downstream of the discharges;
- Recent toxicity testing in 100% whole effluent from Outfall 001 effluent demonstrates no adverse effect on the aquatic life communities of the affected watercourses;
- Current discharge concentrations have been substantially reduced from historic concentrations through extensive facility upgrades to Best Management Practices and spill control containment;
- There is no current economically feasible treatment technology for the removal of chloride, sulfate, or TDS. Ion exchange and reverse osmosis treatment technologies do exist; however, these methods are not cost effective on a large scale basis, are prohibitively expensive, and generate a concentrated brine which is environmentally difficult to dispose of. Such treatment technology is not required to meet the existing uses and would not add any significant environmental protection.

Detailed copies of the proposed change, along with support documents, and summary information, are available for public inspection at the ADEQ's Building D, 8101 Interstate 30, in Little Rock, and in ADEQ information depositories located in public libraries at Magnolia, Camden, El Dorado and Texarkana. In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Clinton, Crossett, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Little Rock, Mena, Monticello, Mountain Home, Russellville, Searcy, Stuttgart, and West Memphis; 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 on the ADEQ's Internet web site at www.adeq.state.ar.us .

Oral and written comments on the proposed revisions will be accepted at the hearing, but written comments are preferred in the interests of accuracy. In addition, written comments will be accepted if received no later than 4:30 p.m. _____, 2006. Written comments should be sent to Doug Szenher, Public Affairs Supervisor, Arkansas Department of Environmental Quality, P.O. Box 8913, Little Rock, AR 72219-8913. Also, electronic mail comments will be considered if submitted by the 4:30 p.m. February 22, 2006 deadline to the following address: reg-comment@adeq.state.ar.us

Dated this ____ day of September, 2006

**Marcus Devine, Director,
Arkansas Department of Environmental Quality**