

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at El Dorado September 13, 2010, to receive comments on a third-party proposal by El Dorado Chemical Company (EDCC) to change APC&EC Regulation 2, the Arkansas Water Quality Standards. The hearing will begin at 6:00 p.m. in the Workforce Development Building on the East Campus of South Arkansas Community College, 3696 East Main, El Dorado, AR 71730.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. September 27, 2010.

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.

Sections 3.4.1 through 3.4.4 of APC&EC Regulation 8 (Administrative Procedures), and the Arkansas Code Annotated, Section 8-4-202(c) provide that outside parties may petition the APC&EC to initiate the rulemaking process to adopt or amend regulations under the APC&EC's jurisdiction. APC&EC authority to amend Regulation 2 is found in Arkansas Code Annotated, Section 8-4-201 et seq.

The fact that the APC&EC has agreed to 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 EDCC and the Arkansas Department of Environmental Quality (ADEQ) respond to all public comments submitted during the open comment period.

The changes to Regulation 2 proposed by EDCC would rescind certain revisions to Regulation 2 approved by the APC&EC June 22, 2007, as part of a third-party proposal by EDCC to modify the water quality standards for several streams impacted by EDCC's treated wastewater discharge. Subsequent to the APC&EC approval of the changes, the U.S. Environmental Protection Agency (EPA) rejected the proposed changes and requested that additional water quality data be submitted to justify the revisions sought by EDCC.

After completing the tasks requested by the EPA, EDCC petitioned the APC&EC to reopen the original third-party rulemaking process and modify the minerals criteria involving Total Dissolved Solids (TDS), Sulfate, and Chloride included in the original third-party proposal by rescinding the original changes made for two streams.

The original proposal would have altered the mineral standards for Flat Creek from the mouth of an unnamed tributary to the mouth of Haynes Creek by increasing TDS from 123 milligrams per liter (mg/L) to 560 mg/L; increasing Sulfate from 31 mg/L to 67 mg/L; and increasing Chloride from 14 mg/L to 165 mg/L.

In addition the original proposal would have altered the mineral standards for Haynes Creek from the confluence of Flat and Salt creeks downstream to its confluence with Smackover Creek by increasing TDS from 123 mg/L to 855 mg/L; increasing Sulfate from 31 mg/L to 55 mg/L; and increasing Chloride from 14 mg/L to 360 mg/L.

The proposed changes to Regulation 2 now being sought by EDCC would rescind the previous changes to the regulation affecting Flat Creek and Haynes Creek which were approved by the APC&EC in its June 22, 2007, action.

Detailed copies of the proposed EDCC regulation change, along with support documents and summary information, are available for public inspection during normal business hours in the ADEQ Public Outreach and Assistance Division, located on the second floor of the ADEQ's North Little Rock office, and in ADEQ information depositories located in public libraries at Camden, Crossett, El Dorado, and Magnolia; at the main branch of the Little Rock Public Library, 100 Rock Street; and at 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, Clinton, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, 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.

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 and navigating to the Draft Regulations portion of the web site.

Oral and written comments on the proposed changes to Regulation 2 will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written or electronic mail comments will be accepted if received no later than 4:30 p.m. September 27, 2010. Written comments should be sent to Doug Szenher, 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 e-mail address: reg-comment@adeq.state.ar.us.

Published July 28 and 29, 2010,

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