

## **NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING**

The Arkansas Pollution Control and Ecology Commission (PC&EC) will hold a public hearing at El Dorado, Arkansas, March 19, 2007, to receive comments on a third-party proposal by Clean Harbors El Dorado, LLC, to change the Arkansas Water Quality Standards (PC&EC Regulation No. 2) for Boggy Creek in Union County, which receives a wastewater discharge from Clean Harbors' hazardous waste treatment and incineration facility at El Dorado. The hearing will begin at 6:00 p.m. in the South Arkansas Community College, East Campus, Center for Workforce Development Building, Room 121, 3698 E. Main, El Dorado.

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 Clean Harbors and the Arkansas Department of Environmental Quality (ADEQ) staff respond to all public comments submitted.

The Clean Harbors proposal would revise Regulation No. 2 by changing the current water quality standards for Boggy Creek for total dissolved solids (TDS), sulfate, chloride, and selenium, and by removing the designated, but not existing, domestic water supply use for Boggy Creek.

Clean Harbors discharges process wastewater to Boggy Creek. The majority of the process wastewater comes from blowdown from the facility's cooling tower. Other components of the discharge include stormwater runoff from the facility and nearby private property.

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, and in ADEQ information depositories located in public libraries at El Dorado, Camden, Crossett, Magnolia, and Monticello. 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, Little Rock, Mena, 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](http://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 interests of accuracy. In addition, written or electronic mail comments will be accepted if received no later than 4:30 p.m. April 2, 2007. 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](mailto:reg-comment@adeq.state.ar.us) .

Published January 31 and February 1, 2007,

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