

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

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Bauxite November 18, 2010, to receive comments on a third-party proposal by Alcoa, Inc., to change APC&EC Regulation 2, the Arkansas Water Quality Standards. The hearing will begin at 6:00 p.m. at the Bauxite Historical Association Museum, 6707 Benton Street, Bauxite, AR, 72011.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. December 6, 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 third parties--entities other than the APCEC or the Arkansas Department of Environmental Quality (ADEQ)--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 Alcoa and the ADEQ respond to all public comments submitted during the open comment period.

Alcoa proposes to revise Regulation 2 by changing the water quality standards for Holly Creek in Saline County, which receives the discharge of treated storm water runoff and wastewater associated with an Environmental Improvement Project (EIP) being conducted by Alcoa on a now closed site of former bauxite mining operations by Alcoa and Reynolds Metals Company, now a wholly-owned subsidiary of Alcoa. The former mining site is located generally along Bauxite Cut-Off Road in Bauxite.

The Alcoa proposal would temporarily change the selenium standard for Holly Creek, which is a tributary of the Saline River, by increasing the current acute standard of 5 micrograms per liter (ug/l) to 17 ug/l. The proposed change would remain in effect for 15 years, unless a technically and economically feasible treatment process or source reduction technology for selenium is developed in the interim. After 15 years, Alcoa would have the option to ask the APC&EC to approve an extension of the revised selenium standard.

Selenium is a naturally-occurring element found in bauxite ore. During the refining of bauxite, selenium was concentrated in the bauxite residue, along with other non-alumina constituents, and deposited in two on-site bauxite residue disposal areas (BRDAs), which were closed under agreements with ADEQ in the late 1980s and 1990s. The bauxite residue is alkaline, and produces an alkaline leachate, which is collected and treated before being discharged to Holly Creek.

Detailed copies of the proposed Alcoa 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 at the Hot

Springs public library, the main branch of the Little Rock Public Library, 100 Rock Street; and 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, Camden, Clinton, Crossett, El Dorado, Fayetteville, Fort Smith, Forrest City, Harrison, Helena, Hope, Jonesboro, 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.

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 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. December 6, 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](mailto:reg-comment@adeq.state.ar.us).

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