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On May 9, 2013, Tyson Foods, Inc. – Waldron Plant (“Tyson-Waldron”) filed a Petition to Initiate Third Party Rulemaking to Amend Regulation No.2, Water Quality Standards (Petition). Pursuant to Ark. Code Ann. § 8-4-202(c), the Arkansas Pollution Control and Ecology Commission (APCEC or the Commission) has sixty (60) days in which to either institute rulemaking proceedings or to give written notice denying the petition for rulemaking.

The Commission's Regulations Committee met on May 23, 2013 to review Tyson-Waldron's Petition. Having considered the Petition, the Regulations Committee recommends the Commission institute a rulemaking proceeding to consider adopting the proposed revision to Regulation No.2. The Regulations Committee also proposes adoption of the following procedural schedule so consideration of this matter may proceed in an efficient and orderly manner.

1. Tyson-Waldron and the Arkansas Department of Environmental Quality (ADEQ) shall file an original and one (1) copy and a computer disk in Word of all material required under this Minute Order. This requirement does not apply to transcripts.
2. Persons submitting written public comments shall submit their written comments to ADEQ and ADEQ will deliver the originals of all comments to the Commission Secretary at the conclusion of the proceeding.
3. Tyson-Waldron shall submit to ADEQ's Public Outreach and Assistance Division (POA) the following:
  - a. A proposed public notice to be used in mailing notice to interested persons, for publishing in appropriate industry, trade, or professional publications as ADEQ may select. The proposed public notice may, at the ADEQ's discretion, be approved for use or ADEQ may choose to prepare its own public notice. The public notice shall conform to the requirements of Regulation No. 8.803. The public notice shall be published not later than 45 days prior to the first public hearing. By agreement, Tyson-Waldron shall pay the costs of the newspaper publications and the costs of the appropriate industry, trade or professional publications chosen by ADEQ and shall file only the original proof of publication with the Commission. ADEQ shall be responsible for mailing the public notice to all persons who have requested advance notice of rulemaking proceedings and the cost of the mailing.
  - b. Fifty (50) copies of the executive summary of the proposed rulemaking.
  - c. Bound copies of the Petition and all supporting documentation, the number of which is to be determined by POA.

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4. A public hearing shall be conducted by the Commission during July 2013, sometime after July 11, in Scott County, Arkansas. The exact date, time and location for the hearing will be determined by ADEQ's Public Outreach and Assistance Division.
  5. The period for receiving all written comments from Tyson-Waldron, the public and ADEQ shall conclude ten (10) business days after the date of the public hearing, unless an extension of time is granted.
  6. Tyson-Waldron and ADEQ shall each file, not later than 14 days before the Commission meets to consider adoption of the proposed regulation, a Statement of Basis and Purpose and Responsiveness Summary as required by Regulation No. 8.815. In addition, Tyson-Waldron and ADEQ shall file a proposed Minute Order deciding this matter.
  7. ADEQ shall seek review of the proposed rule from the Joint Interim Committee on Public Health and Welfare and/or from the Joint Interim Committee on Administrative Rules and Regulations.
  8. The Regulations Committee and the Commission may consider this matter at their September, 2013 meeting. In the event the appropriate legislative committees do not complete review of the proposed rule by the above date, the Regulations Committee and the Commission will consider the proposed amendments to the regulation after review by the appropriate legislative committees. Members of the Regulations Committee may ask questions of any persons that made oral or written comments and it will make a recommendation to the Commission.
  9. If Tyson-Waldron desires a transcript of the public hearing, Regulations Committee meeting, and Commission meetings, or if required by the Commission, Tyson-Waldron agrees to pay all costs for the preparation of a transcript of the public hearing, Regulations Committee meetings, and Commission meetings which concern this docket and occur after the adoption of this Minute Order. If a transcript is required, Tyson-Waldron shall employ the court reporter and the court reporter shall deliver the original transcript to the Commission Secretary.
  10. The Commission finds the proposed regulation does not affect small businesses and therefore concludes that Act 143 of 2007, as amended by Act 809 is not applicable.

The Commission accepts the recommendation of the Regulations Committee and initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

**ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

**Regulation No. 2, Tyson Foods, Inc. –  
Waldron Plant Third-Party Rulemaking**

**DOCKET NO. 13-005-R**

**MINUTE ORDER NO. 13- 17**

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JAB Joseph Bates  
LB Lawrence Bengal

JPC John Chamberlin

           Joe Fox

DN Darwin Hendrix

LH Loren Hitchcock

DS Dana Samples

LS Lynn Sickel

           John Simpson

           William Thompson

           Bekki White

RY Randy Young

Stan Jorgensen  
Stan Jorgensen, Chair

**SUBMITTED BY: Mark Allison    Passed: 05/23/13**