

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Waldron July 22, 2013, to receive comments on a third-party proposal by Tyson Foods, Inc., (Tyson) to change APC&EC Regulation 2, the Arkansas Water Quality Standards for the Poteau River and one of its unnamed tributaries which receives the wastewater discharge from the Tyson facility at Waldron. The hearing will begin at 6:00 p.m. in the courtroom of the Scott County Courthouse, 190 West First Street, Waldron.

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.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. August 5, 2013.

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 Tyson and the Arkansas Department of Environmental Quality (ADEQ) respond to all public comments submitted during the open comment period.

Tyson operates a feed mill, chicken processing plant, and hatchery at Waldron, with a wastewater discharge to an unnamed tributary of the Poteau River. Tyson proposes to revise Regulation 2 by modifying the state water quality standards for chloride (Cl), sulfates (SO₄), and total dissolved solids (TDS) as follows:

- For the unnamed tributary of the Poteau River from the point of Tyson's wastewater discharge downstream to the point of discharge for the City of Waldron's wastewater treatment plant, changing the Cl standard from 150 milligrams per liter (mg/l) to 80 mg/l; the SO₄ standard from 70 mg/l to 121 mg/l; and the TDS standard from 660 mg/l to 411 mg/l.
- For the unnamed tributary of the Poteau River from the point of the City of Waldron's wastewater discharge downstream to the confluence with the Poteau River, changing the Cl standard from 150 mg/l to 106 mg/l; the SO₄ standard from 70 mg/l to 117 mg/l; and the TDS standard from 660 mg/l to 514 mg/l;
- And for the Poteau River from its confluence with the unnamed tributary downstream to the Arkansas-Oklahoma state line, changing the Cl standard from 120 mg/l to 106 mg/l; the SO₄ standard from 60 mg/l to 117 mg/l; and the TDS standard from 500 mg/l to 514 mg/l.

Detailed copies of Tyson's proposed regulation changes, along with support documents and summary information, are available for public inspection during normal business hours in the 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 Fort Smith, Hot Springs, Mena, Russellville, 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, Forrest City, Harrison, Helena, Hope, Jonesboro, Magnolia, Monticello, Mountain Home, Pocahontas, 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 web site at the following URL address: 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. August 5, 2013. 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 address: reg-comment@adeq.state.ar.us.

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