

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Harrison on October 19, 2015 to receive comments on a third-party proposal by the Cities of Harrison and Yellville (“the Cities”) to change APC&EC Regulation 2, the Arkansas Water Quality Standards, for Crooked Creek from the outfall of the Harrison Wastewater Treatment Plant (“WWTP”) to the mouth of Crooked Creek. The hearing will begin at 6:00 p.m. in the Durand Conference Center B, North Arkansas Community College, 1515 Pioneer Drive, Harrison, AR 72601.

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. (Central Time), November 2, 2015.

Sections 8.809 through 8.811 of APC&EC Regulation 8 (Administrative Procedures), and 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 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 the Cities and the Arkansas Department of Environmental Quality (ADEQ) respond to all public comments submitted during the open comment period.

The Harrison WWTP discharges treated municipal wastewater under the provisions of NPDES Permit No. AR0034321 issued by ADEQ. The Yellville WWTP discharges treated municipal wastewater under the provisions of NPDES Permit No. AR0034037 issued by ADEQ.

The City of Harrison is requesting the following amendment to Regulation 2:

Modification of the chloride, sulfate and total dissolved solids (TDS) water quality criteria for Crooked Creek from the outfall of the Harrison WWTP to ADEQ monitoring station WHI0193 as follows: Chloride from 20 milligrams per liter (mg/L) to 22.6 mg/L; sulfate from 20 mg/L to 24.4 mg/L; TDS from 200 mg/L to 269 mg/L.

The City of Yellville is requesting the following amendment to Regulation No. 2:

Modification of the TDS water quality criterion for Crooked Creek from ADEQ monitoring station WHI0193 to the mouth of Crooked Creek as follows: TDS from 200 mg/L to 238 mg/L.

In addition to the changes requested in the Third Party Petition, the Commission invites the Public to comment on two questions:

1. Whether the proposed new criteria should be rounded up to the nearest whole number for Chloride and Sulfate and up to the nearest multiple of ten for Total Dissolved Solids.

The Commission is interested in this idea to avoid giving the public a misleading perception of accuracy and to seek input on what levels of numerical precision constitutes environmentally significant revision to the rulemaking.

2. Whether the proposed new criteria should be revised to correspond to the 99th percentile of relevant instream data.

The Commission seeks input on this issue in order to consider what values reflect actual instream concentrations and the frequency with which those values can be met.

Detailed copies of the Cities' proposed regulation change, along with supporting 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 ADEQ's North Little Rock Office, and in ADEQ information depositories located in public libraries at Fayetteville, Harrison, Little Rock, Mountain Home, and the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock, AR.

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, Forest City, Fort Smith, Helena, Hope, Hot Springs, Jonesboro, Magnolia, Mena, Monticello, 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 web site at the following URL address: www.adeg.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. (Central Time), November 2, 2015. 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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