

NOTICE OF EMERGENCY RULEMAKINGS, AND NOTICE OF PUBLIC HEARINGS AND COMMENT PERIOD

Notice is hereby given that the Arkansas Pollution Control and Ecology Commission, under provisions of the Arkansas Code Annotated Section 8-4-202 (e) (1), made formal findings October 25, 2002, that emergency rulemaking actions are necessary regarding Commission Regulation No. 9 (permit fee system), and Commission Regulation No. 23 (hazardous waste code). As a result, changes to both regulations have been adopted on an emergency basis, and will become effective, for up to 180 days, after the changes have been filed with the Arkansas Secretary of State's Office.

It is anticipated the filing will be accomplished by November 1, 2002.

In addition, public hearings have been scheduled for December 2, 2002, for both proposed regulation changes for adoption of the revisions on a permanent basis. Written comments on both proposals will be accepted until December 16, 2002.

The Regulation No. 9 hearing will begin at 2:00 p.m. in the Arkansas Department of Environmental Quality (ADEQ) Building G Commission Room, located within the Arkansas State Police Headquarters Building, No. 1 State Police Plaza, in Little Rock. The Regulation No. 23 hearing will be held at the same location, beginning immediately after the Regulation No. 9 hearing has concluded.

The proposed change to Regulation No. 9 would allow Arkansas hog farmers who hold liquid animal waste permits from the ADEQ and who recently lost their growing contracts to produce hogs to forgo payment of their annual permit renewal fees for up to two years, or until they secure new growing contracts. The renewal fees range from \$200 to \$400 each year.

Authority for the Commission to set environmental permit fees is found in Arkansas Code Annotated Section 8-1-103.

The proposed change to Regulation No. 23 would add the former Cedar Chemical Company facility at West Helena to the Arkansas Hazardous Substance Remedial Action Trust Fund Property List (commonly called the State Priority List) in order to enable the ADEQ to spend money from the state Remedial Action Trust Fund to pay for necessary security and maintenance at the site.

Authority for the Commission to adopt hazardous waste regulations is found in Arkansas Code Annotated Section 8-7-209 (b) (1).

The ADEQ and the U.S. Environmental Protection Agency have assumed control of the former agricultural manufacturing plant after Cedar Chemical Company declared bankruptcy, closed the facility, and relinquished control of the site earlier this year.

Copies of the proposed changes are available for public inspection in the ADEQ's Customer Service Division, located in the agency's Building D, 8101 Interstate 30, in Little Rock. In addition, copies of the proposed changes may be examined at ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and at the Arkansas State Library located on the State Capitol grounds at Little Rock.

Copies of the proposed changes may also be viewed or downloaded at the ADEQ's Internet web site located at www.adeq.state.ar.us .

Oral and written comments on the proposals will be accepted at the hearings, but written comments are preferred in the interests of accuracy. In addition, written and electronic mail comments will be considered if received no later than 4:30 p.m. December 16, 2002. Written comments should be sent to Doug Szenher, public affairs manager, Arkansas Department of Environmental Quality, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments should be submitted to: reg-comment@adeq.state.ar.us .

Dated this 31st day of October, 2002,

Marcus C. Devine, Director,
Arkansas Department of Environmental Quality