

NOTICE OF PROPOSED NEW REGULATION 34 PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at North Little Rock January 25, 2011, to receive public comments on a proposed new Regulation 34 (State Water Permit Regulation) which will deal primarily with the construction, modification, and operation of pits used for the storage, treatment, or discharge of fluids associated with oil and natural gas well activities in Arkansas. The deadline for submitting written comments on the proposed new regulation is 4:30 p.m. February 8, 2011.

The hearing will begin at 2:00 p.m. January 25, 2011, in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118.

The APC&EC's authority to promulgate Regulation 34 is found in the Arkansas Code Annotated Section 8-4-101, et seq.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone one or more hearings. If any hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

Proposed Regulation 34 would establish standards for the storage, discharge, or disposal system that does not discharge directly to the waters of the State of Arkansas involving wastes which, if unregulated, will cause pollution of the waters of the state, or result in wastes being placed in any location likely to cause pollution of the waters of the state.

The new Regulation 34 would not apply to liquid animal waste management systems currently regulated by APC&EC Regulation 5; to underground injection control (UIC) facilities currently regulated by APC&EC Regulation 17; or to Class II UIC wells permitted by the Arkansas Oil and Gas Commission (AOGC). In addition, it would not apply to storage or disposal systems permitted under APC&EC Regulations 1 or 4; to storage, discharge, or disposal systems which have been issued any National Pollutant Discharge Elimination System (NPDES) permit by the ADEQ, other than a storm water permit; or to septic systems regulated by the Arkansas Department of Health (ADH).

Copies of the proposed APC&EC Regulation 34 are available for public inspection during normal business hours at the ADEQ's North Little Rock office in the Public Outreach and Assistance Division on the second floor, and 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 in the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock. In addition, a copy of the draft regulation showing the proposed changes, along with related support documents, is available for viewing or downloading at the ADEQ's Internet web site located at www.adeq.state.ar.us.

Oral and written statements will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be accepted if received no later than 4:30 p.m. February 8, 2011. Written comments should be mailed to Doug Szenher, Public Outreach and Assistance Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118, or sent by electronic mail to: reg-comment@adeq.state.ar.us.

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