

NOTICE OF EMERGENCY RULEMAKING, AND NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING

Notice is hereby given that the Arkansas Pollution Control and Ecology Commission (APC&EC), under provisions of Arkansas Code Annotated, Section 8-4-202 (e) (1), made a formal finding on April 27, 2007, that an emergency rulemaking action is necessary regarding a third-party proposal to change Commission Regulation No. 2 (Arkansas Water Quality Standards). As a result, The APC&EC has adopted, for up to 180 days on an emergency basis, changes to the dissolved mineral standards for 43 streams in four Arkansas Counties as detailed later in this notice.

In addition to temporarily adopting the changes to Regulation No. 2, the PC&EC has implemented its regular rulemaking procedures to schedule a public hearing to receive comments regarding adopting the changes on a permanent basis. The Commission will hold a public hearing at Lonoke June 25, 2007, to receive comments on a third-party proposal by the Bayou Meto Water Management District (BMWMD) to change Regulation No. 2 by modifying the dissolved mineral standards for Bayou Meto and 42 other streams located in Arkansas, Jefferson, Lonoke, and Prairie Counties in east Arkansas. The hearing will begin at 6:00 p.m. in the Lonoke Primary School Cafeteria, 800 Lincoln Street.

Sections 3.4.1 through 3.4.4 of PC&EC Regulation No. 8 (Administrative Procedures), and the Arkansas Code, Annotated, Section 8-4-202(c), provide that outside parties may petition the PC&EC to initiate the rulemaking process to adopt or amend regulations under the PC&EC's jurisdiction. The Arkansas Code, Annotated, Section 8-4-201(b)(1) authorizes the PC&EC to adopt water quality standards for the State of Arkansas.

The fact that the PC&EC has agreed to initiate such a third-party rulemaking procedure does not constitute an endorsement of the proposal at this time. The PC&EC will decide whether to permanently adopt the proposed changes after the conclusion of the public comment period for the proposal and after the BMWMD and the Arkansas Department of Environmental Quality (ADEQ) staff each respond to all public comments submitted.

The BMWMD proposal would change the sulfates standard for Bayou Meto from 37 milligrams per liter (mg/l) to 45 mg/l and the chlorides standard from 64 mg/l to 95 mg/l. The affected portion of the stream is located in Arkansas, Lonoke, and Prairie Counties.

In addition, the proposal would change the sulfates standard from 37 mg/l to 45 mg/l and the chlorides standard from 48 mg/l to 95 mg/l for the following streams, listed with the counties in which they are located:

- Baker's Bayou (Lonoke)
- Bayou Two Prairie (Lonoke, Prairie)
- Bear Bayou (Jefferson)
- Big Ditch (Arkansas, Lonoke)
- Blue Point Ditch (Lonoke)
- Boggy Bayou (Jefferson)

- Bradley Slough (Jefferson)
- Brownsville Branch (Lonoke)
- Brushy Slough (Arkansas)
- Bubbling Slough (Arkansas)
- Buffalo Slough (Lonoke)
- Caney Creek (Lonoke)
- Caney Creek Ditch (Lonoke)
- Castor Bayou (Arkansas)
- Crooked Creek Ditch (Arkansas, Jefferson, Lonoke)
- Cross Bayou (Arkansas)
- Dennis Slough (Lonoke)
- Eagle Branch (Lonoke)
- Fish Trap Slough (Lonoke)
- Five Forks Bayou (Arkansas, Jefferson)
- Flat Bayou (Jefferson)
- Flynn Slough (Lonoke)
- Government Cypress Slough (Arkansas)
- Hurricane Slough (Arkansas)
- Indian Bayou (Jefferson, Lonoke)
- Indian Bayou Ditch (Jefferson, Lonoke)
- Little Bayou Meto (Arkansas, Jefferson)
- Long Pond Slough (Arkansas)
- Main Ditch (Jefferson)
- Newton Bayou (Arkansas)
- Plum Bayou (Jefferson, Lonoke)
- Rickey Branch (Lonoke)
- Salt Bayou (Arkansas, Jefferson, Lonoke)
- Salt Bayou Ditch (Arkansas, Jefferson, Lonoke)
- Shumaker Branch (Lonoke)
- Skinner Branch, also called Robinson Branch (Lonoke)
- Snow Bayou (Lonoke)
- Tipton Ditch (Arkansas)
- Tupelo Bayou (Jefferson)
- Wabbaseka Bayou (Jefferson, Lonoke)
- West Bayou (Arkansas)
- White Oak Branch (Lonoke)

The proposed changes to Regulation No. 2 are being offered in conjunction with the Bayou Meto Basin Project, a U.S. Army Corps of Engineers project to divert water from the Arkansas River to Bayou Meto and a number of other streams for multiple uses such as flood control, agricultural water supply, and waterfowl management, and to reduce the need for pumping groundwater from aquifers in the area.

Copies of the proposed Regulation No. 2 changes, along with other related documents, are available for public inspection at the ADEQ's Little Rock office at the Public Outreach and Assistance Division in Building D, 8101 Interstate Highway 30; on the ADEQ Internet web site at www.adeq.state.ar.us; or 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 located on the State Capitol grounds at Little Rock.

Oral and written comments on the proposed changes to Regulation No. 2 will be accepted at the hearing, but written comments are preferred in the interests of accuracy. In addition, written or electronic mail comments will be accepted if received no later than 4:30 p.m. July 10, 2007. Written comments should be sent to Doug Szenher, public/media affairs manager, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, P.O. Box 8913, Little Rock, AR 72219-8913. Electronic mail comments should be sent to the following address: reg-comment@adeq.state.ar.us .

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