

## **NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING**

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at North Little Rock December 14, 2009, to receive comments on a third-party proposal by McGeorge Contracting Co., Inc., (McGeorge) of Little Rock to change APC&EC Regulation 2, the Arkansas Water Quality Standards. The hearing will begin at 2:00 p.m. in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive. The deadline for submitting written comments on the regulation is 4:30 p.m. December 30, 2009.

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 PC&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 McGeorge and the ADEQ staff respond to all public comments submitted during the open comment period.

McGeorge proposes to revise Regulation 2 by changing the water quality standards for three streams in Pulaski County as follows:

- Modifying the dissolved minerals criteria for McGeorge Creek to its confluence with Willow Springs Branch by increasing the standard for Sulfates from 41.3 milligrams per liter (mg/l) to 250 mg/l, and increasing the Total Dissolved Solids (TDS) standard from 138 mg/l to 432 mg/l;
- Modifying the dissolved minerals criteria for Willow Springs Branch from its confluence with McGeorge Creek to its confluence with Little Fourche Creek by increasing the Sulfates standard from 41.3 mg/l to 112 mg/l, and increasing the TDS standard from 138 mg/l to 247 mg/l;
- And modifying the dissolved minerals criteria for Little Fourche Creek from its confluence with Willow Springs Creek to its confluence with Fourche Creek by increasing the TDS standard from 138 mg/l to 179 mg/l.

Detailed copies of the proposed regulation change, 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 the main branch of the Little Rock Public Library, 100 Rock Street, and in the Arkansas State Library located on the State Capitol grounds at 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, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Magnolia, Mena, Monticello, Mountain Home, 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 Internet web site at the following URL address: [www.adeq.state.ar.us](http://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. December 30, 2009. Written comments should be sent to Doug Szenher, public information coordinator, 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](mailto:reg-comment@adeq.state.ar.us).

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