

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

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Hot Springs August 16, 2010, to receive comments on a third-party proposal by UMETCO Minerals Corporation (UMETCO) to change APC&EC Regulation 2, the Arkansas Water Quality Standards. The hearing will begin at 6:00 p.m. in the Lakeside Junior High School Media Room, 2865 Malvern Avenue, Hot Springs, AR 71901.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. August 30, 2010.

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.

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 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 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 UMETCO and the Arkansas Department of Environmental Quality (ADEQ) respond to all public comments submitted during the open comment period.

UMETCO proposes to revise Regulation 2 by changing the water quality standards for Wilson Creek, which receives the discharge primarily of treated storm water runoff from UMETCO's mineral mining and processing facility located at 4285 Malvern Road (U.S. Highway 270) east of Hot Springs. Wilson Creek is a tributary to Lake Catherine.

The proposal would remove the current Domestic Water Supply designated use for Wilson Creek and change the stream's dissolved minerals standards by increasing the Total Dissolved Solids (TDS) standard from 142 milligrams per liter (mg/L) to 543 mg/L; increasing the Sulfate standard from 20 mg/L to 260 mg/L; and increasing the Chloride standard from 15 mg/L to 56 mg/L. The portion of Wilson Creek affected by the increased standards would begin approximately 0.85 mile upstream from the UMETCO wastewater discharge point and continue downstream to the creek's confluence with Lake Catherine.

Detailed copies of the proposed UMETCO regulation change, along with support documents and summary information, are available for public inspection during normal business hours in the ADEQ 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 public libraries at Arkadelphia, Camden, Hot Springs, and the main branch of the Little Rock Public Library, 100 Rock Street; and the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock.

In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Batesville, Blytheville, Clinton, Crossett, El Dorado, Fayetteville, Fort Smith, Forrest City, Harrison, Helena, Hope, 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.adeg.state.ar.us](http://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. August 30, 2010. 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 e-mail address: [reg-comment@adeq.state.ar.us](mailto:reg-comment@adeq.state.ar.us).

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Teresa Marks, Director,  
Arkansas Department of Environmental Quality