

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Huntsville September 19, 2013, to receive comments on a third-party proposal by the City of Huntsville to change APC&EC Regulation 2 (the Arkansas Water Quality Standards) for Town Branch, which receives the discharge from the city's wastewater treatment plant, and Holman Creek and War Eagle Creek, which receive flow from Town Branch. The hearing will begin at 6:00 p.m. in the courtroom of the Madison County Courthouse, 201 West Main, Huntsville.

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.

The deadline for submitting written comments on the proposed changes is 4:30 p.m. October 3, 2013.

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

Currently, there are no site-specific standards involving chloride (Cl), sulfates (SO₄), or total dissolved solids (TDS) for Town Branch, Holman Creek, or War Eagle Creek. Accordingly, the current ecoregion values in Regulation 2 would now apply to those streams. Those values are as follows: Cl, 17.3 milligrams per liter (mg/l); SO₄, 22.7 mg/l; and TDS, 250 mg/l.

Huntsville proposes to change the standards in Town Branch and Holman Creek to: Cl, 185 mg/l; SO₄, 41 mg/l; and TDS, 525 mg/l. For War Eagle Creek, the proposed new standards would be: Cl, 130 mg/l; SO₄, 30 mg/l; and TDS, 407 mg/l. The proposed new standards would apply as follows:

- Town Branch, from the discharge point of Huntsville's wastewater treatment plant downstream to the confluence with Holman Creek.
- Holman Creek, from its confluence with Town Branch downstream to its confluence with War Eagle Creek.
- War Eagle Creek from its confluence with Holman Creek downstream to its confluence with the White River.

In addition, Huntsville's proposal would remove the designated domestic water supply use for the affected sections of Town Branch and Holman Creek.

Detailed copies of Huntsville's proposed regulation changes, 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 public libraries at Fayetteville, Fort Smith, Harrison, Little Rock (main branch), Mountain Home, Russellville, 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 Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Forrest City, Helena, Hope, Hot Springs, Jonesboro, Magnolia, Mena, Monticello, Pocahontas, 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 web site at the following URL address:

http://www.adeg.state.ar.us/regs/drafts/3rdParty/reg02_3rdParty_docket_13-006-R/reg02_3rdParty_docket_13-006-R.htm

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. October 3, 2013. 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 address: reg-comment@adeq.state.ar.us.

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Teresa Marks, Director,
Arkansas Department of Environmental Quality