

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at Magnet Cove on September 27, 2016, to receive comments on a third-party proposal by Halliburton Energy Services Inc. (“HESI”) to change APC&EC Regulation 2, the Arkansas Water Quality Standards, for Chamberlain Creek, Cove Creek, Reyburn Creek, Lucinda Creek, Rusher Creek, Scull Creek and Clearwater Lake for the duration of a 12-year Environmental Improvement Project (EIP) being performed by HESI. The hearing will begin at 6:00 p.m. in the library at Magnet Cove High School, 472 Magnet School Drive, Malvern, AR 72104.

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. (Central Time), October 11, 2016.

Sections 8.809 through 8.811 of APC&EC Regulation 8 (Administrative Procedures), and 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.* APC&EC authority to amend Regulation 2 to support EIPs is found in Appendix B to Regulation 2.

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

In order to perform the 12-year EIP, HESI is requesting the following amendments to Regulation 2 for the duration of the EIP. HESI requests modification of the chloride, sulfate and total dissolved solids (TDS) water quality criteria for Chamberlain Creek as follows: Chloride from 20 milligrams per liter (mg/L) to 68 mg/L; sulfate from 20 mg/L to 1,384 mg/L; TDS from 200 mg/L to 2,261 mg/L. HESI requests modification of the sulfate and total dissolved solids (TDS) water quality criteria for Cove Creek, Reyburn Creek, Lucinda Creek, Rusher Cree, Scull Creek and Clearwater Lake as follows: sulfate from 20 mg/L to 250 mg/L; TDS from 200 mg/L to 500 mg/L.

Detailed copies of HESI’s proposed regulation change, along with supporting 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 ADEQ’s North Little Rock Office, and in ADEQ information depositories located in public libraries at Fayetteville, Harrison, Little Rock, Mountain Home, and the Arkansas State Library, 900 West Capitol, Suite 100, Little Rock, AR.

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, Fort Smith, Helena, Hope, Hot Springs, Jonesboro, Magnolia, Mena, Monticello, 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 web site at the following URL address: 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. (Central Time), October 11, 2016. Written comments should be sent to Kelly Robinson, 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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