

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 2, REGULATIONS ESTABLISHING)
WATER QUALITY STANDARDS FOR SURFACE) DOCKET NO. 03-003-R
WATERS IN THE STATE OF ARKANSAS)

PETITION TO INITIATE RULEMAKING FOR REGULATION NO. 2, REGULATIONS
ESTABLISHING WATER QUALITY STANDARDS FOR SURFACE WATERS
IN THE STATE OF ARKANSAS

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”), for its Petition to Initiate Rulemaking to Amend Regulation No. 2, states:

1. The Federal Water Pollution Control Act (a.k.a. “Clean Water Act”) requires the Commission to review and update the State’s Water Quality Standards periodically.
2. The Department conducted six (6) public information meetings at different locations in the State during the Fall of 2001. This was followed by the establishment of a Water Quality Standards Workgroup which met on seven (7) different occasions to discuss specific changes to the Standards. A working draft of proposed changes to the Water Quality Standards was reviewed by the workgroup.
3. Changes proposed in this Draft of the Water Quality Standards include:
 - (A) Clarification, updating, and correction of typographical errors under Sections for Definitions, Designated Uses, Toxic Substances, and Mineral Quality;
 - (B) Clarification of intent of watershed management activities in Extraordinary Resource Waters (ERWs);

- (C) Circumstances for reevaluation by the Commission of modifications made pursuant to Reg.2.306;
- (D) The addition of a section addressing “Biological Integrity”;
- (E) Modification of Reg.2.503 to establish turbidity limits for storm flows;
- (F) Establishing *E.coli* as an alternate indicator for fecal contamination of water and modifying the primary contact season;
- (G) Revision of phosphorus nutrient criteria;
- (H) Adoption of EPA’s ammonia criteria;
- (I) Modification of a part of the Ecoregion boundary between the Ouachita Mountains and the Gulf Coastal Plain;
- (J) The listing and description of some of the channel-altered Delta Ecoregion streams; and
- (K) Correction of a mapping error in the Extraordinary Resource Water (ERW) designation of a tributary to the Middle Fork Saline River (results in no change to the designation of Middle Fork Saline River as an ERW).

4. Jennifer Tucker, attorney for ADEQ, and/or Martin Maner, Chief of the Department’s Water Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of a financial impact statement for the proposed revision is attached as Exhibit “C”, both of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit “D” and is hereby incorporated by reference.

WHEREFORE, the ADEQ requests that the Commission adopt the proposed Minute Order, and initiate the rulemaking on Regulation No. 2.

Respectfully submitted,

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