

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 6, REGULATIONS) DOCKET NO. 06-001-R
FOR STATE ADMINISTRATION OF)
THE NATIONAL POLLUTANT)
DISCHARGE ELIMINATION SYSTEM)
(NPDES))

STATEMENT OF BASIS AND PURPOSE
FOR REGULATION NO. 6, REGULATIONS FOR STATE ADMINISTRATION OF THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

The Arkansas Pollution Control and Ecology Commission (the “Commission”) is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “Department”).

On January 12, 2006, ADEQ filed a Petition to Initiate Rule-making to Amend Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System. The areas addressed by the amendments being adopted by the Commission are:

1. Legislative and Federal Regulatory Changes:

(A) None.

2. Changes proposed by the Department:

(A) Adding the definition of the term “operator” in section 6.103(B) of this regulation;

(B) Clarification that this Commission has promulgated Minute Order 80-21 in 1980 that specified “Recommended Standards for Sewage Works” in addition to the “Recommended Standards for Wastewater Facilities” (also referred to as “10 State Standards”) in section 6.202(B) of this regulation; and

(C) Clarification that only CAFO operations with actual discharges, not potential discharges, have an obligation to apply for a NPDES permit through this agency in section 6.501.

Amendment of Regulation No. 6 is necessary for the effective administration and implementation of the State Administration of the National Pollutant Discharge Elimination System. The Commission finds that the proposed revisions to Regulation No. 6 facilitate effective implementation of the substantive statutes administered by the Department. The rule is in the public interest, and is necessary to ensure compliance with state law.

Prepared by:

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
8001 National Drive, P.O. Box 8913
Little Rock, Arkansas 72219-8913

BY: _____
Daniel D. Etzkorn, Attorney