

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 6, REGULATIONS FOR STATE)
ADMINISTRATION OF THE NATIONAL POLLUTANT) DOCKET NO. 07-___-R
DISCHARGE ELIMINATION SYSTEM (NPDES))

PETITION TO INITIATE RULEMAKING FOR REGULATION NO. 6, REGULATIONS
FOR STATE ADMINISTRATION OF THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 6, states:

1. The proposed regulatory amendments to Regulation Number 6 involve the following:
 - (A) In section 6.104, page 1-2, “the latest” is added to the title;
 - (B) In section 6.104(A), page 1-2, “of the most current version of the Code of Federal Regulations” is added and later “adopted verbatim by ADEQ” is added to clarify that ADEQ follows the most current version of Title 40 of the Code of Federal Regulations;
 - (C) In section 6.104(A)(5), page 1-2, “124.19” is added to clarify that ADEQ is adopting 40 C.F.R. 124.19 concerning appeals of RCRA, UIC, NPDES, and PSD Permits;
 - (D) In section 6.104(A)(11), page 1-2, “s: 401.17 and” is added to clarify that ADEQ is excepting 40 C.F.R. 401.17 concerning pH effluent limitations under continuous monitoring;

- (E) In section 6.202(A), page 2-1, “and a copy of an approval letter from the Arkansas Department of Health and Human Services (“ADHHS”)” is added to clarify that ADEQ requires wastewater permit applicants to include an approval letter from the Arkansas Department of Health and Human Services concerning the design of the permit applicant’s wastewater treatment facility before ADEQ commences the review of the applicant’s completed permit application;
- (F) In section 6.202(B), Appendix-Ground Disposal of Wastewaters, page 2-2, “and Human Services” is added to clarify that the Arkansas Department of Health is now the Arkansas Department of Health and Human Services;
- (G) In section 6.202(D), page 2-3, “Prior to obtaining a construction permit from ADEQ, an approval letter from ADHHS is required” is added to clarify that ADEQ requires that prior to obtaining a construction permit from ADEQ, an approval letter from ADHHS is required;
- (H) In section 6.301(E), page 3-2, “and Human Services” is added to clarify that the Arkansas Department of Health is now the Arkansas Department of Health and Human Services;
- (I) In section 6.301(E)(1), page 3-2, “and Human Services” is added to clarify that the Arkansas Department of Health is now the Arkansas Department of Health and Human Services;
- (J) In section 6.301(E), bottom of page 3-2, language is struck because this issue is addressed elsewhere in Regulation Number 6;
- (K) In section 6.401(H), page 4-2, “Discharge of Treated Wastewater to the Ouachita River (1) No permit for discharge of treated wastewater into the

Ouachita River by means of a joint pipeline from the City of El Dorado shall authorize more than 1.0 mg/l Total Phosphorus for the months of November through June and 0.7 mg/l Total Phosphorus for the months of July through October based on a monthly average” is added to clarify the discharge limitation of Total Phosphorus into the Ouachita River; and

(L) In section 6.501(B), page 5-1, “Arkansas Soil & Water Conservation Commission” becomes the “Arkansas Natural Resources Commission” to clarify that the Arkansas Soil & Water Conservation Commission has changed its name to the Arkansas Natural Resources Commission.

2. The amendments to this regulation will have no financial impact on small businesses.
3. Dan Etzkorn, 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 the Legislative Financial Impact Statement for the proposed revision is attached as Exhibit “C”, a copy of the Economic Impact Statement is attached as Exhibit “D”, and a copy of the email message from Mr. Sylvester Smith is attached as Exhibit “E”, all of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit “F” 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. 6.

Respectfully submitted,

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By: _____
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