

2. 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;
3. 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;
4. 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;
5. In section 6.202(A), page 2-1, “and a copy of an approval letter from the Arkansas Department of Health (“ADH”) is added to clarify that ADEQ requires wastewater permit applicants to include an approval letter from the Arkansas Department of Health concerning the design of the permit applicant’s wastewater treatment facility before ADEQ commences the review of the applicant’s completed permit application;
6. All previous additions of “and Human Services” to references to the Arkansas Department of Health were removed from the proposed rulemaking, as those agencies are no longer combined. All references will remain “Arkansas Department of Health”;
7. In section 6.202(D), page 2-3, “Prior to obtaining a construction permit from ADEQ, an approval letter from ADH is required” is added to clarify

that ADEQ requires that prior to obtaining a construction permit from ADEQ, an approval letter from ADH is required;

8. In section 6.301(E), bottom of page 3-2, language is struck because this issue is addressed elsewhere in Regulation Number 6;
9. The proposed addition to add section 6.401(H) was revised, based on the public comments, to become section 6.402 and included the following language:

No permit for the discharge of treated wastewater into the Ouachita River commencing at or downstream of the H.K. Thatcher Lock and Dam in segment 2D of the Ouachita River Basin shall authorize a total phosphorous limit in excess of the following:

(A) A proposed permit with a design flow of less than or equal to 13.5 MGD shall have a total phosphorous mass limit calculated using a total phosphorous concentration of 1.0 mg/l year-round.

(B) A proposed permit with a design flow greater than 13.5 MGD but less than 20.0 MGD shall have a total phosphorous mass limit calculated using a total phosphorous concentration of 1.0 mg/l for the months of November through June and 0.7 mg/l total phosphorus for the months of July through October.

(C) The above mass calculations are considered to be on a monthly average basis. A daily maximum mass limit, if applicable, will be 1.5 to 2.0 times the monthly average mass limit.

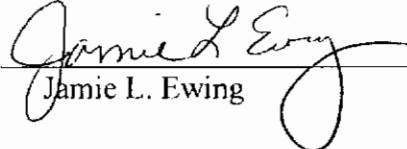
(D) At the director's discretion, the permit may include concentration limits in addition to the mass limit(s).

This section addresses concerns with proposed phosphorous discharges to the Ouachita River that may impact Felsenthal Reservoir.

10. 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.

The Department respectfully requests that the Commission find that the proposed revisions to Regulation No. 6 facilitates the implementation of the substantive statutes administered by the Department regarding the National Pollution Discharge Elimination System (NPDES) and that these rules are in the public interest and are necessary to ensure compliance with both state and federal law.

Respectfully submitted,
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY

By: 
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