

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**



REGULATION NO. 2

**REGULATION ESTABLISHING WATER
QUALITY STANDARDS FOR SURFACE
WATERS OF THE STATE OF ARKANSAS**

~~Adopted by the Arkansas Pollution Control and Ecology Commission on (October 26, 2007)~~

Submitted to the PC&E Commission in May 2010

Initial Draft

EXHIBIT A
Second Amended Petition

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Second Amended Petition

Arkansas Pollution Control and Ecology Commission
Regulation No. 2, As Amended

**Regulation Establishing
Water Quality Standards for Surface Waters
of the State of Arkansas**

TABLE OF CONTENTS

CHAPTER 1: AUTHORITY, GENERAL PRINCIPLES, AND COVERAGE	2-1
Reg. 2.101 Authority	2-1
Reg. 2.102 Purpose	2-1
Reg. 2.103 Commission Review	2-2
Reg. 2.104 Policy for Compliance	2-2
Reg. 2.105 Environmental Improvement Projects	2-2
Reg. 2.106 Definitions	2-2
CHAPTER 2: ANTIDEGRADATION POLICY	2-1
Reg. 2.201 Existing Uses	2-1
Reg. 2.202 High Quality Waters	2-1
Reg. 2.203 Outstanding Resource Waters	2-1
Reg. 2.204 Thermal Discharges	2-1
CHAPTER 3: WATERBODY USES	3-1
Reg. 2.301 Introduction	3-1
Reg. 2.302 Designated Uses	3-1
Reg. 2.303 Use Attainability Analysis	3-5
Reg. 2.304 Physical Alteration of Habitat	3-6
Reg. 2.305 Short Term Activity Authorization	3-6
Reg. 2.306 Procedures for Removal of Any Designated Use Except Fishable/Swimmable, Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway, and Modification of Water Quality Criteria not Related to These Uses	3-7
Reg. 2.307 Use Subcategories	3-8
Reg. 2.308 Site Specific Criteria	3-8
Reg. 2.309 Temporary Variance	3-8
Reg. 2.310 Procedure for the Removal of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway for the Purpose of Constructing a Reservoir on a Free Flowing Waterbody to Provide Aa Domestic Water Supply	3-8
Reg. 2.311 Procedure for the Addition of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway to a Waterbody or Segment of a Waterbody ..	3-10
CHAPTER 4: GENERAL STANDARDS	4-1
Reg. 2.401 Applicability	4-1
Reg. 2.402 Nuisance Species	4-1
Reg. 2.403 Methods	4-1
Reg. 2.404 Mixing Zones	4-1

EXHIBIT A
Second Amended Petition

Reg. 2.405	Biological Integrity	4-2
Reg. 2.406	Color.....	4-2
Reg. 2.407	Taste and Odor	4-2
Reg. 2.408	Solids, Floating Material and Deposits	4-2
Reg. 2.409	Toxic Substances.....	4-2
Reg. 2.410	Oil and Grease.....	4-3
CHAPTER 5:	SPECIFIC STANDARDS	5-1
Reg. 2.501	Applicability.....	5-1
Reg. 2.502	Temperature	5-1
Reg. 2.503	Turbidity.....	5-2
Reg. 2.504	pH.....	5-2
Reg. 2.505	Dissolved Oxygen	5-3
Reg. 2.506	Radioactivity	5-5
Reg. 2.507	Bacteria.....	5-5
Reg. 2.508	Toxic Substances.....	5-6
Reg. 2.509	Nutrients.....	5-9
Reg. 2.510	Oil and Grease.....	5-10
Reg. 2.511	Mineral Quality	5-10
Reg. 2.512	Ammonia.....	5-18
CHAPTER 6:	EFFECTIVE DATE	6-1
APPENDIX A:	MAP OF ECOREGIONS OF ARKANSAS.....	A-2
APPENDIX A:	MAP OF ECOREGIONS OF ARKANSAS.....	A-3
	DESIGNATED USES: OZARK HIGHLANDS ECOREGION.....	A-6
	SPECIFIC STANDARDS: OZARK HIGHLANDS ECOREGION.....	A-7
	SPECIFIC STANDARDS: BOSTON MOUNTAINS ECOREGION.....	A-20
	SPECIFIC STANDARDS: ARKANSAS RIVER VALLEY ECOREGION.....	A-30
	SPECIFIC STANDARDS: OUACHITA MOUNTAIN ECOREGION.....	A-40
	SPECIFIC STANDARDS: GULF COASTAL ECOREGION.....	A-49
	SPECIFIC STANDARDS: DELTA ECOREGION.....	A-64
APPENDIX B:	ENVIRONMENTAL IMPROVEMENT PROJECT	B-3
APPENDIX C:	SCIENTIFIC NAMES OF FISHES.....	C-3
APPENDIX D:	PROCEDURES FOR OBTAINING DIRECTOR'S DETERMINATION ON THE PROPOSED PHYSICAL ALTERATION OF AN EXTRAORDINARY RESOURCE WATERS, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY LIST OF CURRENT EXTRAORDINARY RESOURCE WATERS, ECOLOGICALLY SENSITIVE WATERBODIES, AND NATURAL AND SCENIC WATERWAYS	D-3
APPENDIX E:	CRITERIA TO BE CONSIDERED IN DETERMINING WHETHER THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY SHOULD BE MAINTAINED.....	E-3
APPENDIX F:	FACTORS CONSIDERED IN ADDING THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY TO A WATERBODY OR WATERBODY SEGMENT	F-3

ARKANSAS
POLLUTION CONTROL
AND ECOLOGY COMMISSION

Regulation No. 2, As Amended

Regulation Establishing
Water Quality Standard for Surface Waters
of the State of Arkansas

CHAPTER 1: AUTHORITY, GENERAL PRINCIPLES, AND COVERAGE

Reg. 2.101 Authority

Pursuant to the provisions of SubChapter 2 of the Arkansas Water and Air Pollution Control Act (Act 472 of the Acts of Arkansas for 1949, as amended; Ark. Code Ann. 8-4-101 et seq), and in compliance with the requirements of the Federal Water Pollution Control Act, as amended, the Arkansas Pollution Control and Ecology Commission; (hereinafter referred to as "Commission") hereby promulgates this Regulation No. 2, as amended, establishing water quality standards for all surface waters, interstate and intrastate, of the State of Arkansas.

Reg. 2.102 Purpose

The water quality standards herein set forth are based upon present, future and potential uses of the surface waters of the State and criteria developed from statistical evaluations of past water quality conditions and a comprehensive study of least-disturbed, ecoregion reference streams. The standards are designed to enhance the quality, value, and beneficial uses of the water resources of the State of Arkansas, to aid in the prevention, control and abatement of water pollution, to provide for the protection and propagation of fish and wildlife and to provide for recreation in and on the water. In establishing these standards, the Commission has taken into consideration the use and value of the streams for public water supplies, commercial, industrial and agricultural uses, aesthetics, recreational purposes, propagation of fish and wildlife, other beneficial uses, and views expressed at public hearings. The State of Arkansas has an exceptionally large volume of high quality water. With few exceptions the streams and lakes of Arkansas contain waters of a quality suitable for all legitimate uses without the necessity of unreasonable water treatment. Where man-made pollution exists, substantial progress has been made in abatement. It is the purpose of these regulations to preserve and protect the quality of this water so that it shall be reasonably available for all beneficial uses and thus promote the social welfare and economic well-being of the people of the State. It is further the purpose of these regulations to designate the uses for which the various waters of the State shall be maintained and protected; to prescribe the water quality standards required to sustain the designated uses; and to prescribe regulations necessary for implementing, achieving and maintaining the prescribed water quality.

EXHIBIT A **Second Amended Petition**

Reg. 2.103 Commission Review

The water quality standards herein established will be reviewed by the Commission at least once each three-year period beginning as of October 18, 1972. Revisions may be made to take into account changing technology of waste production, treatment and removal, advances in knowledge of water quality requirements, and other relevant factors.

Reg. 2.104 Policy for Compliance

It shall be the policy of the Arkansas Department of Environmental Quality (hereinafter referred to as "Department") to provide, on a case-by-case basis, a reasonable time for an existing facility permittee to comply with new or revised water quality based effluent limits. Consequently, compliance schedules may be included in National Pollutant Discharge Elimination System (NPDES) permits at the time of renewal to require compliance with new water quality standards at the earliest practicable time; but not to exceed three years from effective date of permit.

Reg. 2.105 Environmental Improvement Projects

The Commission may, after consideration of the information provided pursuant to Appendix B, grant modifications to the General and Specific Standards (Chapters 4 and 5, herein) or establish a subcategory(ies) of use(s) (Reg. 2.307, herein) for completion of long-term Environmental Improvement Projects (~~EIP~~), as provided by Act 401 of 1997, codified at A.C.A. § 8-5-901 et seq.

Reg. 2.106 Definitions

304(a) Guidance: Refers to Section 304(a) of the Clean Water Act which requires the U.S. Environmental Protection Agency to publish and periodically update ambient water quality criteria which will be protective of human health and the environment.

Abatement: The reduction in degree or intensity of pollution.

Act: Clean Water Act, as amended (33 U.S.C. 1251, et. seq.).

Acute toxicity: A statistically significant difference (at the 95 percent confidence level) in mortality or immobilization between test organisms and a control measured during a specified period of time which is normally less than 96 hours.

Algae: Simple plants without roots, stems, or leaves ~~which~~ that contain chlorophyll and are capable of photosynthesis.

All flows: Takes into account all flows and data collected throughout the year, including elevated flows due to rainfall events.

Aquatic biota: All those life forms which inhabit the aquatic environment.

Base flows: That portion of the stream discharge that is derived from natural storage (i.e., outflow from groundwater or swamps), or sources other than recent rainfall that creates surface runoff. Also called sustaining, normal, dry weather, ordinary, or groundwater flow.

EXHIBIT A **Second Amended Petition**

Chronic toxicity: A statistically significant difference (at the 95 percent confidence level) in mortality or immobilization, reduced reproduction or limited growth between test organisms and a control measured during a substantial segment of the life span of the test organism.

Commission: The Arkansas Pollution Control and Ecology Commission.

Continuing Planning Process (CPP): ~~A document which describes the principal processes of the State's water quality management programs. The CPP is not a regulation.~~

Criterion Continuous Concentration (CCC): An estimate of the highest concentration of a material in ambient water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable adverse effect. This is the chronic criterion.

Criterion Maximum Concentration (CMC): An estimate of the highest concentration of a material in ambient water to which an aquatic community can be exposed briefly without resulting in an unacceptable adverse effect. This is the acute criterion.

Critical flows: The flow volume used as background dilution flows in calculating concentrations of pollutants from permitted discharges. These flows may be adjusted for mixing zones. The following critical flows are applicable:

For a seasonal fishery - 1 cubic foot per second (cfs) minus the design flow of any point source discharge (may not be less than zero).

For human health criteria - a permittee may use the harmonic mean flow or long term average flow.

For minerals criteria - a permittee may use harmonic mean flow or 4 cfs, with the following exception: except in those waters listed in Reg. 2.511. Those waters in Reg. 2.511 which are noted with an asterisk will have a critical flow of 4 cfs.

For waters listed as Extraordinary Resource Waters, Ecologically Sensitive Waters, or waters impaired for minerals, use harmonic mean flow.

For all others waters use the critical flow will be of Q7-10.

(Also see minerals implementation procedure in ~~(CPP)~~ State of Arkansas Continuing Planning Process).

Critical season: That period of the year when water temperatures exceed 22°C. This is normally the hot, dry season and after the majority of the fish spawning activities have ceased. This season occurs during a different time frame in different parts of the state, but normally exists from about mid-May to mid-September.

Cumulative: Increasing by successive additions.

Department: The Arkansas Department of Environmental Quality (~~ADEQ~~), or its successor.

Degradation: The act or process of causing any decrease in quality.

Design flow: A facility discharge flow of process wastewater that is authorized in a NPDES permit.

EXHIBIT A **Second Amended Petition**

Designated uses: Those uses specified in the water quality standards for each waterbody or stream segment whether or not they are being attained.

Discharge: A discrete point source of waste or wastewater entering into waters of the State.

Dissolved oxygen (D.O.): A measure of the concentration of oxygen in solution in a liquid.

Ecoregion: A large area of landscape with relatively homogenous physical, chemical and biological characteristics.

Escherichia coli: A rod shaped gram negative bacillus (0.5 – 3-5 microns) abundant in the large intestines of mammals.

Endemic: Native to and confined to a specific region.

Existing uses: Those uses listed in Section 303(c)(2) of the Clean Water Act (i.e., public water supplies, propagation of fish and wildlife, recreational uses, agricultural and industrial water supplies and navigation) which were actually attained in the waterbody on or after November 28, 1975, whether or not they are included in the water quality standards.

Fecal coliform bacteria: Gram-negative nonspore-forming rods that ferment lactose in 24 ± 2 hours at 44.5 ± 0.2 °C with the production of gas in a multiple-tube procedure or produce acidity with blue colonies in a membrane filter procedure. For the purpose of this regulation, the genus *Klebsiella* is not included in this definition.

Fishable/swimmable: Refers to one of the national goals of the Clean Water Act as stated in Section 101(a)(2), "...provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water."

Fishery: The designated use of a waterbody determined by the fish community and other associated aquatic life.

Groundwater: Water below the land surface in a zone of saturation.

Hardness: A measure of the sum of multivalent metallic cations expressed as calcium carbonate (CaCO_3).

Harmonic mean flow: ~~The reciprocal of the mean of the reciprocals of daily flow measurements.~~ The number of daily flow measurements divided by the sum of the reciprocals of the daily flows.

Headwater: The source of a stream.

Heavy metals: A general name given to the ions of metallic elements heavier than iron, such as cadmium, lead, mercury, copper, zinc and chromium.

Human health criteria: Levels of toxicants in ambient water which will not manifest adverse health effects in humans.

Hypolimnion: That portion of a thermally stratified lake or reservoir below the zone in which the rate of temperature change is greatest. An area of minimal circulation and mixing.

EXHIBIT A

Second Amended Petition

Impairment: Exceedences of the water quality standards by a frequency and/or magnitude which results in any designated use of a waterbody to fail to be met as a result of physical, chemical or biological conditions.

Indicator species: Species of fish which may not be dominant within a species group and may not be limited to one area of the state, but which, because of their presence, are readily associated with a specific ecoregion. All indicator species need not be present to establish a normal or representative fishery.

Indigenous: Produced, growing or living naturally in a particular region or environment.

Interstate: Of, connecting, or existing between two or more states.

Intrastate: Existing or occurring within a state.

Ionizing radiation: Gamma rays and x-rays; alpha and beta particles, high speed electrons, neutrons, protons and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light.

Key species: Fishes which are normally the dominant species (except for some ubiquitous species) within the important groups such as fish families or trophic feeding levels. All specified key species need not be present to establish a normal or representative fishery.

Long term average flow: An average annual stream flow based on a period of record which reflects the typical annual variability.

Maximum contaminant level (MCL): The highest level of a contaminant that is allowed in drinking water. Maximum contaminant levels are set as close to maximum contaminant level guidelines as feasible using the best available treatment technology and taking cost into consideration.

Milligrams per liter (mg/L): The concentration at which one milligram is contained in a volume of one liter; one milligram per liter is equivalent to one part per million (ppm) at unit density.

Mixing zone: An area where an effluent discharge undergoes mixing with the receiving waterbody. For toxic discharges a zone of initial dilution, ~~(ZID)~~ may be allowed within the mixing zone.

Mouth: The point of confluence where a stream enters a larger body of water.

Natural background: Ambient conditions or concentrations of a parameter due to non-anthropogenic sources; natural background does not typically interfere with support of designated uses nor the level of aquatic life biota expected to occur naturally at the site.

Naturally occurring excursions: Temporary deviation from natural background due to natural events such as severe storm events, drought, temperature extremes, etc.

EXHIBIT A

Second Amended Petition

Nonpoint source: A contributing factor to water pollution that is not confined to an end-of-the-pipe discharge, i.e., stormwater runoff, agricultural or silvicultural runoff, irrigation return flows, etc.

NTU (Nephelometric Turbidity Unit) (NTU): A measure of turbidity based upon a comparison of the intensity of light scattered by a sample of water under defined conditions with the intensity of light scattered by a standard reference suspension; NTU are considered comparable to the previously reported JTU (Jackson Turbidity Units) (JTU). May also be reported as FTU (Formazin Turbidity Units) (FTU) in equivalent units.

Nuisance species: Those organisms capable of interfering with the beneficial use of water.

Nutrient: Any substance assimilated by an organism which promotes growth and replacement of cellular constituents. The usual nutrient components of water pollution are nitrogen, phosphorus and carbon.

Objectionable algal densities: Numbers of total algae which would interfere with a beneficial use.

Persistent: Degraded only slowly by the environment.

pH: The negative logarithm of the effective hydrogen-ion concentration in gram equivalents per liter.

Picocurie: One trillionth (10^{-13}) of a curie which is a unit of quantity of any radioactive nuclide in which 3.7×10^{10} disintegrations occur per second.

Point source: A discharge from a discrete point.

~~**Q7-10:** A flow volume equal to or less than the lowest mean discharge during 7 consecutive days of a year which, on the average, occurs once every 10 years.~~

Primary season: That period of the year when water temperatures are 22°C or below. This includes the major part of the year from fall through spring, including the spawning season of most fishes. It normally occurs from about mid-September to mid-May.

~~**Primary season critical flow:** A flow volume equal to the lowest mean discharge during 7 consecutive days during the period when stream flows increase substantially and water temperatures are cooler and, on the average, occurs once in every 10 years. In streams with watersheds less than 10 mi^2 this flow is one (1) CFS minus the design flow of any point source discharge.~~

~~**Q7-10:** A flow volume equal to or less than the lowest mean discharge during 7 consecutive days of a year which, on the average, occurs once every 10 years.~~

Regulated-flow stream: Those streams restricted by structures which have the ability to control stream flow.

EXHIBIT A

Second Amended Petition

Seasonal fishery: The designated fishery use that occurs in some waterbodies only during the period when stream flows increase substantially and water temperatures are cooler. This is normally during the months of December through May.

State of Arkansas Continuing Planning Process: A document which describes the principal processes of the State's water quality management programs. The State of Arkansas Continuing Planning Process is not a regulation.

Surface water: That water contained on the exterior or upper portion of the earth's surface as opposed to groundwater.

Synergism: Cooperative action of discrete agents such that the total effect is greater than the sum of the effects taken independently.

Total dissolved solids (TDS): The total soluble organic and inorganic material contained in water; includes those materials, both liquid and solid, in solution and otherwise, which pass through a standard glass fiber filter disk and are not volatilized during drying at 180° C.

Trout fishery: Water which is suitable for the growth and survival of trout, usually characterized as high quality water having a maximum summer temperature of 68° F or less.

Use attainability analysis: A structured scientific assessment of the factors affecting the attainment of the fishable/swimmable use which may include physical, chemical, biological and economic factors.

Waterbodies, waterways, waters: In this document, refers to surface waters of the sState as described in Act 472.

Water-effects ratio (WER): A specific pollutant's acute or chronic value measured from a specific site ambient water, divided by the respective acute or chronic toxicity of the same pollutant in laboratory water.

Zone of initial dilution (ZID): An area within the mixing zone where a toxic effluent discharge initiates mixing in the receiving waterbody. This is an area where acute water quality criteria may be exceeded, but acute toxicity may not occur.

CHAPTER 2: ANTIDegradation Policy

Reg. 2.201 Existing Uses

Existing instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected.

Reg. 2.202 High Quality Waters

Where the quality of the waters exceeds levels necessary to support propagation of fish, shellfish and wildlife and recreation in and on the water, that quality shall be maintained and protected unless the State finds, after full satisfaction of the intergovernmental coordination and public participation provisions of the ~~State's continuing planning process~~ State of Arkansas's Continuing Planning Process, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. In allowing such degradation or lower water quality, the State shall assure water quality adequate to protect existing uses fully. Further, the State shall assure that (1) there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and (2) that the provisions of the Arkansas Water Quality Management Plan be implemented with regard to nonpoint sources.

Reg. 2.203 Outstanding Resource Waters

Where high quality waters constitute an outstanding state or national resource, such as those waters designated as ~~e~~Extraordinary ~~r~~Resource ~~w~~Waters, ~~e~~Ecologically ~~s~~Sensitive Waterbodies, or ~~n~~Natural and ~~s~~Scenic ~~w~~Waterways, those uses and water quality for which the outstanding waterbody was designated shall be protected by (1) water quality controls, (2) maintenance of natural flow regime, (3) protection of instream habitat, and (4) encouragement of land management practices protective of the watershed. It is not the intent of the Extraordinary Resource Waters (ERW) designated use definition to imply that ERW status dictates regulatory authority over private land within the watershed, other than what exists under local, state, or federal law. The Arkansas Natural Resources Commission has responsibility for the regulation of the withdrawal of water from streams and reservoirs, and such withdrawals are not within the jurisdiction of this regulation.

Reg. 2.204 Thermal Discharges

In those cases where potential water quality impairment associated with a thermal discharge is involved, the antidegradation policy and implementing method shall be consistent with Section 316 of the Clean Water Act.

EXHIBIT A
Second Amended Petition

CHAPTER 3: WATERBODY USES

Reg. 2.301 Introduction

Substantially all the waters of the State have been designated for specific uses as shown in Appendix A. In those instances where waters are classified for multiple uses and different criteria are specified for each use, the criteria to protect the most sensitive use shall be applicable.

Reg. 2.302 Designated Uses

The designated uses are defined as follows:

- (A) Extraordinary Resource Waters - This beneficial use is a combination of the chemical, physical and biological characteristics of a waterbody and its watershed which is characterized by scenic beauty, aesthetics, scientific values, broad scope recreation potential and intangible social values. (For specific listings please refer to Appendices A and D)
- (B) Ecologically Sensitive Waterbody - This beneficial use identifies segments known to provide habitat within the existing range of threatened, endangered or endemic species of aquatic or semi-aquatic life forms. (For specific listings please refer to Appendices A and D)
- (C) Natural and Scenic Waterways - This beneficial use identifies segments which have been legislatively adopted into a state or federal system. (For specific listings please refer to Appendices A and D)
- (D) Primary Contact Recreation - This beneficial use designates waters where full body contact is involved. Any streams with watersheds of greater than 10 mi² are designated for full body contact. All streams with watersheds less than 10 mi² may be designated for primary contact recreation after site verification.
- (E) Secondary Contact Recreation - This beneficial use designates waters where secondary activities like boating, fishing or wading are involved.
- (F) Fisheries - This beneficial use provides for the protection and propagation of fish, shellfish and other forms of aquatic ~~life~~ biota. It is further subdivided into the following subcategories:
 - (1) Trout - ~~w~~Water which is suitable for the growth and survival of trout (Family: Salmonidae).
 - (2) Lakes and Reservoirs - ~~w~~Water which is suitable for the protection and propagation of fish and other forms of aquatic ~~life~~ biota adapted to impounded waters. Generally characterized by a dominance of sunfishes such as bluegill or similar species, black basses and crappie. May include substantial populations of catfishes such as channel, blue and flathead catfish and commercial fishes including carp, buffalo and suckers. Forage fishes are

EXHIBIT A
Second Amended Petition

normally shad or various species of minnows. Unique populations of walleye, striped bass and/or trout may also exist.

- (3) Streams - ~~Water~~ which is suitable for the protection and propagation of fish and other forms of aquatic ~~life~~ biota adapted to flowing water systems whether or not the flow is perennial.

- (a) Ozark Highlands Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic ~~life~~ biota. Fish communities are characterized by a preponderance of sensitive species and normally dominated by a diverse minnow community followed by sunfishes and darters. The community may be generally characterized by the following fishes:

Key Species

Duskystripe, Bleeding or Cardinal shiner
Northern hogsucker
Slender madtom
"Rock" basses
Rainbow and/or Orangethroat darters
Smallmouth bass

Indicator Species

Banded sculpin
Ozark madtom
Southern redbelly dace
Whitetail shiner
Ozark minnow

- (b) Boston Mountains Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic ~~life~~ biota. Fish communities are characterized by a major proportion of sensitive species; a diverse, often darter-dominated community exists but with nearly equal proportions of minnows and sunfishes. The community may be generally characterized by the following fishes:

Key Species

Bigeye shiner
Black redhorse
Slender madtom
Longear sunfish
Greenside darter
Smallmouth bass

Indicator Species

Shadow bass
Wedgespot shiner
Longnose darter
Fantail darter

- (c) Arkansas River Valley Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic ~~life~~ biota. Fish communities are characterized by a substantial proportion of sensitive species; a sunfish- and minnow-dominated community exists but with substantial proportions of darters and catfishes (particularly madtoms). The community may be generally characterized by the following fishes:

EXHIBIT A
Second Amended Petition
Indicator Species

Key Species

Bluntnose minnow
Golden redhorse
Yellow bullhead
Longear sunfish
Redfin darter
Spotted bass

Orangespotted sunfish
Blackside darter
Madtoms

- (d) Ouachita Mountains Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic life biota. The fish community is characterized by a major proportion of sensitive species; a minnow-sunfish-dominated community exists, followed by darters. The community may be generally characterized by the following fishes:

Key Species

Bigeye shiner
Northern hogsucker
Freckled madtom
Longear sunfish
Orangebelly darter
Smallmouth bass

Indicator Species

Shadow bass
Gravel chub
Northern studfish
Striped shiner

- (e) Typical Gulf Coastal Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic life biota. Fish communities are characterized by a limited proportion of sensitive species; sunfishes are distinctly dominant followed by darters and minnows. The community may be generally characterized by the following fishes:

Key Species

Redfin shiner
Spotted sucker
Yellow bullhead
Warmouth
Slough darter
Redfin pickerel

Indicator Species

Pirate perch
Flier
Spotted sunfish
Dusky darter
Creek chubsucker
Banded pygmy sunfish

- (f) Springwater-influenced Gulf Coastal Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic life biota. Fish communities are characterized by a substantial proportion of sensitive species; sunfishes normally dominate the community and are followed by darters and minnows. The community may be generally characterized by the following fishes:

EXHIBIT A
Second Amended Petition
Indicator Species

Key Species

Redfin shiner
Blacktail redhorse
Freckled madtom
Longear sunfish
Creole darter
Redfin pickerel

Pirate perch
Golden redhorse
Spotted bass
Scaly sand darter
Striped shiner
Banded pygmy sunfish

- (g) Least-altered Delta Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic life biota. Fish communities are characterized by an insignificant proportion of sensitive species; sunfishes are distinctly dominant followed by minnows. The community may be generally characterized by the following fishes:

Key Species

Ribbon shiner
Smallmouth buffalo
Yellow bullhead
Bluegill
Bluntnose darter
Largemouth bass

Indicator Species

Pugnose minnow
Mosquitofish
Pirate perch
Tadpole madtom
Banded pygmy sunfish

- (h) Channel-altered Delta Ecoregion - Streams supporting diverse communities of indigenous or adapted species of fish and other forms of aquatic life biota. Fish communities are characterized by an absence of sensitive species; sunfishes and minnows dominate the population followed by catfishes. The community may be generally characterized by the following fishes:

Key Species

Blacktail shiner
Drum
Carp
Channel catfish
Green sunfish
Spotted gar

Indicator Species

Mosquitofish
Gizzard shad
Emerald shiner

- (G) Domestic Water Supply - This beneficial use designates water which will be protected for use in public and private water supplies. Conditioning or treatment may be necessary prior to use.
- (H) Industrial Water Supply - This beneficial use designates water which will be protected for use as process or cooling water. Quality criteria may vary with the specific type of process involved and the water supply may require prior treatment or conditioning.

EXHIBIT A
Second Amended Petition

- (I) Agricultural Water Supply - This beneficial use designates waters which will be protected for irrigation of crops and/or consumption by livestock.
- (J) Other Uses - This category of beneficial use is generally used to designate uses not dependent upon water quality, such as hydroelectric power generation and navigation.

Reg. 2.303 Use Attainability Analysis

- (A) A use attainability analysis must be conducted to justify the following conditions:
 - (1) Removing a fishable/swimmable designated use, which is not an existing use, from a waterbody; or
 - (2) To identify a subcategory of a fishable/swimmable use which requires less stringent criteria.
- (B) In order to remove a designated fishable/swimmable use which is not an existing use, or identify subcategories of a fishable/swimmable use which require less stringent criteria, it must be demonstrated that the designated use is not attainable because:
 - (1) naturally occurring pollutant concentrations prevent the attainment of the use; or
 - (2) natural, ephemeral, intermittent or low flow conditions or water levels prevent the attainment of the use, unless these conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or
 - (3) human caused conditions or sources of pollution prevent attainment of the use and cannot be remedied or would cause more environmental damage to correct than leave in place; or
 - (4) dams, diversions or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use; or
 - (5) physical conditions related to the natural features of a water body, such as lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, unrelated to water quality, preclude attainment of aquatic life protection uses; or
 - (6) controls more stringent than those required by Section 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

The scope of a use attainability analysis shall be in direct proportion to the project involved and the resource value of the receiving stream. Methods for conducting a use attainability analysis may be found in the November 1983 U.S. Environmental Protection Agency (EPA) publication entitled *Technical Support Manual: Waterbody Surveys and Assessments for Conducting Use*

EXHIBIT A Second Amended Petition

Attainability Analyses. Other scientific methods, including the use of existing technical data, may be used for justifying the removal of a designated use; provided the methods are agreed upon prior to the study. Such other methods may include the use of information previously gathered through technical studies and/or use attainability analysis. Use attainability analysis procedures may be found in the State of Arkansas Continuing Planning Process document (CPP). Any waterbody on which a use attainability analysis is approved shall be so listed in Appendix A with appropriate criteria.

Reg. 2.304 Physical Alteration of Habitat

(A) Significant physical alterations of the habitat within ~~e~~Extraordinary ~~r~~Resource ~~w~~Waters, ~~e~~Ecologically ~~s~~Sensitive ~~w~~Waterbodies or ~~n~~Natural and ~~s~~Scenic ~~w~~Waterways ~~are not~~ will only be allowed where water quality, natural flow regime, and habitat of fish, shellfish, or other forms of aquatic biota will be maintained and protected, and there is no feasible alternative to the proposed project. ~~For the purposes of this subsection, the Director may determine that a proposed physical alteration of the habitat is not significant if it is demonstrated that:~~

- ~~(1) the proposed physical alteration of habitat (a) will not impair water quality; (b) will not impair the natural flow regime; and (c) will not impair the habitat of fish, shellfish or other forms of aquatic life; and.~~
- ~~(2) there is no feasible alternative to the proposed project.~~

~~A request under this subsection for a determination that a proposed physical alteration of habitat is not significant shall be submitted to the Director in accordance with the procedures set forth in Appendix D.~~

(B) In other waters, where significant physical alterations of the habitat are proposed, the Department must be assured that no significant degradation of any existing use or water quality necessary to protect that use will occur. In order to make such determinations, the Department may require an evaluation of all practicable alternatives to the project including: an environmental assessment of the impacts of each alternative, an engineering and economic analysis, and a socio-economic evaluation of the project in the local area.

Reg. 2.305 Short Term Activity Authorization

The Director may authorize, with whatever conditions deemed necessary and without public notice, short term activities which might cause a violation of the Arkansas Water Quality Standards. This authorization is subject to the provisions that such activity is essential to the protection or promotion of the public interest and that no permanent or long-term impairment of beneficial uses is likely to result from such activity. Nothing herein shall be intended to supersede existing state and federal permitting processes or requirements.

Activities eligible for authorization include, but are not limited to:

- (A) wastewater treatment facility maintenance;
- (B) fish eradication projects;
- (C) mosquito abatement projects;
- (D) algae and weed control projects;

EXHIBIT A
Second Amended Petition

- (E) dredge and fill projects;
- (F) construction activities; or
- (G) activities which result in overall enhancement or maintenance of beneficial uses.

The Director shall specify the degree of variance from the standards, the time limit of activity and restoration procedures where applicable.

Such authorization shall not be granted for activities which result in the adverse impact on any federally threatened or endangered species or on critical habitat of such species.

Reg. 2.306 Procedures for Removal of Any Designated Use Except Fishable/Swimmable, Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway, and Modification of Water Quality Criteria not Related to These Uses

This procedure is applicable in those cases where the Commission chooses to establish less stringent water quality criteria without affecting a fishable/swimmable use or the designated use of Extraordinary Resource Water or Ecologically Sensitive Waterbody or Natural and Scenic Waterway, or when the Commission chooses to remove a use which is not an existing use other than fishable/swimmable, Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway.

The Commission may allow a modification of the water quality criteria or the removal of a use which is not a fishable/swimmable use or designated use of Extraordinary Resource Water or Ecologically Sensitive Waterbody or Natural and Scenic Waterway to accommodate important economic or social development in a local area, if existing uses are maintained and protected fully and the requirements for public participation in the State of Arkansas Continuing Planning Process are met. As a minimum, the following information shall be submitted to the Director before initiation of the public participation process:

- (A) Technological or economic limits of treatability.
- (B) Economic analysis of the impact on the local area.
- (C) Documentation that the use being removed is not an existing use and that all other designated uses will be protected.

Modifications made pursuant to this section may be required to be rejustified for continued support. As community water needs change, or technological advancement, including long-term environmental improvement projects, make treatment options more practicable, the Commission may reevaluate the need for the reestablishment of the more stringent water quality criteria or the removed use.

Any waterbody on which such alterations are approved will be so listed in Appendix A with the applicable changes noted.

EXHIBIT A
Second Amended Petition

Reg. 2.307 Use Subcategories

The Commission may adopt sub-categories of a use and set the appropriate criteria to reflect varying needs of such sub-categories of uses; for instance, to differentiate between cold and warm water fisheries or agricultural and domestic water supply.

Reg. 2.308 Site Specific Criteria

In establishing criteria:

(A) Establish numerical criteria values based on:

- (1) 304(a) Guidance; or
- (2) 304(a) Guidance modified to reflect site conditions [WER] or
- (3) other scientifically defensible methods;

(B) Establish narrative criteria or criteria based upon biomonitoring methods where numerical criteria cannot be established or to supplement numerical criteria.

Reg. 2.309 Temporary Variance

A temporary variance to the water quality standards may be allowed for an existing permitted discharge facility. The variance will be for specified constituents and shall be no longer than a three year period. A variance must be approved by the Arkansas Pollution Control and Ecology Commission and the U.S. Environmental Protection Agency. A variance will be considered when it is determined that a standard, including designated use, can ultimately be attained or when preliminary evidence indicates that a site specific amendment of the standards may be appropriate. A variance may be granted only to the applicant and will not apply to other discharges into the specified waterbody.

Reg. 2.310 Procedure for the Removal of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway for the Purpose of Constructing a Reservoir on a Free Flowing Waterbody to Provide a Domestic Water Supply.

(A) An ~~e~~Extraordinary ~~r~~Resource ~~w~~Water, ~~e~~Ecologically ~~s~~Sensitive ~~w~~Waterbody, or ~~n~~Natural and ~~s~~Scenic ~~w~~Waterway designated use may be removed from a free flowing waterbody for the purpose of constructing a reservoir to provide a domestic water supply, if it can be demonstrated that:

- (1) the sole purpose for the funding and construction of the reservoir is to provide a domestic water supply; and
- (2) there is no feasible alternative to constructing a reservoir in order to meet the domestic water needs of the citizens of the State of Arkansas.

The limitation in Subsection A(1) of this section does not prohibit incidental uses of the reservoir that are consistent with the use of domestic water supply.

EXHIBIT A
Second Amended Petition

(B) A petition to initiate rulemaking to remove an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway designated use from a free flowing waterbody in order to construct a reservoir to provide a domestic water supply may be submitted to the Commission by a regional water distribution district, public facilities board, public water authority, or other public entity engaged in providing water to the public. Such petition, at a minimum, shall include:

- (1) A map depicting the location of the proposed project and the area to be impounded;
- (2) A description of the proposed project, including detailed design plans;
- (3) A certification that the proposed structure to impound the free flowing stream shall be funded and constructed solely for the purpose of providing a domestic water supply;
- (4) An evaluation of all alternatives to the proposed project, including:
 - (i) an environmental assessment of the impacts of each alternative on the instream and downstream water quality, the instream habitat, and the habitat and plant and animal life in the area upstream, downstream, and to be inundated by the proposed project;
 - (ii) the costs associated with, and an economic analysis for, each alternative;
 - (iii) an engineering analysis for each alternative; and
 - (iv) a socio-economic evaluation of the project to the local area and to the State as a whole; and
- (5) Information and supporting documentation which address the criteria set forth in Appendix E;
- (6) A recommendation to the Commission from the Director on whether or not the designated use should be maintained based upon a review of the information and supporting documentation required to be considered in Appendix E. The Director shall provide the petitioner with the Director's recommendation within 180 days of the Department's receipt of the petitioner's Appendix E submittal. If the Director does not deliver a recommendation to the petitioner within the 180 day time period, the petitioner may file its petition under this section without including a recommendation from the Director. The Director may submit a recommendation to the Commission at any time not less than 30 days prior to the Commission's final decision on the petition.
- (7) A description of any proposed mechanisms for protecting the domestic water supply, including but not limited to prohibitions to be placed on commercial and residential development along the proposed shoreline of the impoundment, the controls to be placed on public access to the water supply, and the legal authority for establishing and maintaining these domestic water supply protections; and
- (8) Any other submittals required by Regulation No. 8 for a petition to initiate rulemaking.

(C) The Commission, as part of its rulemaking decision, shall determine whether or not a feasible alternative to constructing a reservoir is available to meet the domestic water needs of the citizens of the State of Arkansas. The Commission shall set forth the reasons for its determination in writing. The designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway shall not be removed by the Commission if a feasible alternative to constructing a reservoir is available to meet the domestic water needs of the citizens of the State of Arkansas.

EXHIBIT A
Second Amended Petition

(D) The Commission, as part of its rulemaking, shall determine whether or not the sole purpose for the funding and construction of the reservoir is to provide a domestic water supply. The Commission shall set forth the reasons for its determination in writing. The designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway shall not be removed by the Commission if the purpose for the funding and construction of the reservoir is other than to provide a domestic water supply. In no circumstance, shall the designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway be removed by the Commission from a free flowing waterbody in order to construct a reservoir for recreational, flood control, or economic purposes other than providing a domestic water supply.

(E) The Commission, as part of its rulemaking decision, shall determine whether or not the designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway of a given waterbody should be maintained. The Commission shall set forth the reasons for its determination in writing, after considering the Director's recommendation referenced in Subsection (B)(6) of this section and reviewing the information and supporting documentation which address the criteria set forth in Appendix E.

Reg. 2.311 Procedure for the Addition of the Designated Use of Extraordinary Resource Water, or Ecologically Sensitive Waterbody, or Natural and Scenic Waterway to a Waterbody or Segment of a Waterbody.

(A) Any waters of the State may be nominated for designation as an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway by submitting a petition to initiate rulemaking to the Arkansas Pollution Control and Ecology Commission. Such petition shall include, at a minimum, the following:

- (1) Name of petitioner;
- (2) Petitioner's mailing address and telephone number;
- (3) Name and location description of the waterbody or segment proposed for designation;
- (4) A map depicting the waterbody or segment proposed for designation;
- (5) Petitioner's interest in the proposed action;
- (6) Statement of potential benefits and impacts of the proposed action, including economic benefits and impacts;
- (7) Evidence of requests for resolution(s) by appropriate local government(s) regarding the nomination of the waterbody as an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway;
- (8) Supporting documentation for the designation, including information which addresses the factors listed in Appendix F, ~~I(A) through (P)~~;
- (9) Recommended language change necessary to affect this proposed change to any Commission regulation; and
- (10) Any other submittals required by Regulation No. 8 for a petition to initiate rulemaking.

(B) The Commission, as part of its rulemaking, shall set forth in writing the reasons for its final decision.

CHAPTER 4: GENERAL STANDARDS

Reg. 2.401 Applicability

The general standards outlined below are applicable to all surface waters of the State at all times unless otherwise designated in Appendix A. They apply specifically with regard to substances attributed to discharges, nonpoint sources or instream activities as opposed to natural phenomena. Waters may, on occasion, have natural background levels of certain substances outside the limits established by these criteria, in which case these criteria do not apply.

Reg. 2.402 Nuisance Species

All waters shall be free from substances attributed to man-caused point or nonpoint source discharges in concentrations that produce undesirable aquatic ~~life~~ biota or result in the dominance of nuisance species.

Reg. 2.403 Methods

The methods of sample collection, preservation, measurements and analyses shall be in accordance with the EPA's *Guidelines Establishing Test Procedures for the Analysis of Pollutants* (40 CFR, Part 136) or other proven methods acceptable to the Department.

Reg. 2.404 Mixing Zones

Mixing zones are allowed for all parameters not specifically excluded in Reg. 2.404 and the effects of wastes on the receiving stream shall be determined after the wastes have been thoroughly mixed with the mixing zone volume. Outfall structures should be designed to minimize the extent of mixing zones to ensure rapid and complete mixing.

For aquatic life toxic substances in larger streams; (those with Q7-10 flows equal to or greater than 100 cfs); the zone of mixing shall not exceed 1/4 of the cross-sectional area and/or critical flow volume of the stream. The remaining 3/4 of the stream shall be maintained as a zone of passage for swimming and drifting organisms, and shall remain of such quality that stream ecosystems are not significantly affected. In the smaller streams; (Q7-10 flows less than 100 cfs); because of varying local physical and chemical conditions and biological phenomena, a site-specific determination shall be made on the percentage of river width necessary to allow passage of critical free-swimming and drifting organisms so that negligible or no effects are produced on their populations. As a guideline, no more than 2/3 of the cross-sectional area and/or critical flow volume of smaller streams should be devoted to mixing zones thus leaving at least 1/3 of the cross-sectional area free as a zone of passage.

Mixing zones are not allowed for the parameters of bacteria, pH, or oil and grease, or where the background flow is less than the critical flow or where the background concentration of a waste parameter exceeds the specific criteria for that waste parameter.

EXHIBIT A **Second Amended Petition**

In lakes and reservoirs the size of mixing zones shall be defined by the Department on an individual basis, and the area shall be kept at a minimum.

Mixing zones shall not prevent the free passage of fish or significantly affect aquatic ecosystems.

A mixing zone shall not include any domestic water supply intake.

Reg. 2.405 Biological Integrity

For all waters with specific fisheries use designated in Appendix A, aquatic biota should not be impacted. Aquatic biota should be representative of streams that have the ability to support the designated fishery, taking into consideration the seasonal and natural variability of the aquatic biota community under naturally varying habitat and hydrological conditions; the technical and economic feasibility of the options available to address the relevant conditions; and other factors.

An aquatic biota assessment should compare biota communities that are similar in ~~variety~~ habitat and ~~abundance~~ hydrologic condition, based upon either an in-stream study including an upstream and downstream comparison, a comparison to a reference water body within the same ecoregion, or a comparison to community characteristics from a composite of reference waters. ~~The reference stream should have similar habitat and hydrologic conditions.~~ Such a comparison should consider the seasonal and natural variability of the aquatic biota community. It is the responsibility of the Department to ~~collect and~~ evaluate the data for an aquatic biota assessment and such data will not be used to develop or impose permit limits.

Reg. 2.406 Color

True color shall not be increased in any waters to the extent that it will interfere with present or projected future uses of these waters.

Reg. 2.407 Taste and Odor

Taste and odor producing substances shall be limited in receiving waters to concentrations that will not interfere with the production of potable water by reasonable water treatment processes, or impart unpalatable flavor to food, fish or result in offensive odors arising from the waters or otherwise interfere with the reasonable use of the water.

Reg. 2.408 Solids, Floating Material and Deposits

Receiving waters shall have no distinctly visible solids, scum or foam of a persistent nature, nor shall there be any formation of slime, bottom deposits or sludge banks.

Reg. 2.409 Toxic Substances

Discharges shall not be allowed into any waterbody which, after consideration of the zone of initial dilution, the mixing zone and critical flow conditions, will cause toxicity to human, animal, plant or aquatic ~~life~~ biota or interfere with normal propagation, growth, and survival of aquatic biota.

EXHIBIT A
Second Amended Petition

Reg. 2.410 Oil and Grease

Oil, grease or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface or coat the banks and/or bottoms of the waterbody or adversely affect any of the associated biota.

EXHIBIT A
Second Amended Petition

CHAPTER 5: SPECIFIC STANDARDS

Reg. 2.501 Applicability

The following specific standards shall apply to all surface waters of the state at all times except during periods when flows are less than the applicable critical flow and unless otherwise designated in Appendix A. Streams with regulated flow will be addressed on a case-by-case basis to maintain designated instream uses. These standards apply outside the applicable mixing zone. Waters may, on occasion, have natural background levels of certain substances outside the limits established by these criteria, in which case these criteria do not apply to the naturally occurring excursions.

Reg. 2.502 Temperature

Heat shall not be added to any waterbody in excess of the amount that will elevate the natural temperature, outside the mixing zone, by more than 5°F (2.8°C) based upon the monthly average of the maximum daily temperatures measured at mid-depth or three feet (whichever is less) in streams, lakes or reservoirs. Maximum allowable temperatures from man-induced causes in the following waters are:

Waterbodies	Limit °C (°F)
Streams	
Ozark Highlands	29 (84.2)
Boston Mountains	31 (87.8)
Arkansas River Valley	31 (87.8)
Ouachita Mountains	30 (86.0)
Springwater-influenced Gulf Coastal	30 (86.0)
Typical Gulf Coastal	30 (86.0)
Least-Altered Delta	30 (86.0)
Channel-Altered Delta	32 (89.6)
White River (Dam #1 to mouth)	32 (89.6)
St. Francis River	32 (89.6)
Mississippi River	32 (89.6)
Arkansas River	32 (89.6)
Ouachita River (L. Missouri R. to state line)	32 (89.6)
Red River	32 (89.6)
Lakes and Reservoirs	32 (89.6)
Trout waters	20 (68.0)

Temperature requirements shall not apply to off-stream privately-owned reservoirs constructed primarily for industrial cooling purposes and financed in whole or in part by the entity or successor entity using the lake for cooling purposes.

EXHIBIT A
Second Amended Petition

Reg. 2.503 Turbidity

There shall be no distinctly visible increase in turbidity of receiving waters attributable to municipal, industrial, agricultural, other waste discharges or instream activities. Specifically, in no case shall any such waste discharge or instream activity cause turbidity values to exceed the base flows values listed below. Additionally, the non-point source runoff shall not result in the exceedance of the in stream all flows values in more than 20% of the ADEQ Arkansas Department of Environmental Quality ~~ambient~~-monitoring network samples taken in not less than 24 monthly samples.

Waterbodies	Base Flows Values (NTU)	All Flows Values (NTU)
Streams		
Ozark Highlands	10	17
Boston Mountains	10	19
Arkansas River Valley	21	40
Ouachita Mountains	10	18
Springwater-influenced Gulf Coastal	21	32
Typical Gulf Coastal	21	32
Least-Altered Delta	45	84
Channel-Altered Delta	75	250
Arkansas River	50	52
Mississippi River	50	75
Red River	50	150
St. Francis River	75	100
Trout	10	15
Lakes and Reservoirs	25	45

Reg. 2.504 pH

The pH standards of between 6.0 and 9.0 are applicable. As a result of waste discharges, the pH of water in streams or lakes must not fluctuate in excess of 1.0 unit over below 6.0 or above 9.0 during a period of 24 hours, and pH values shall not be below standards 6.0 or above 9.0 are applicable to all waters of the state, except in those waterbodies where natural background conditions result in pH values to either be less than or greater than the criteria listed.

EXHIBIT A
Second Amended Petition

Reg. 2.505 Dissolved Oxygen

The following dissolved oxygen standards ~~must be met~~ are applicable:

Waterbodies	Limit (mg/l <u>mg/L</u>)	
	Primary	Critical
Streams		
Ozark Highlands		
<10 mi ² watershed	6	2
10 to 100 mi ²	6	5
>100 mi ² watershed	6	6
Boston Mountains		
<10 mi ² watershed	6	2
>10 mi ² watershed	6	6
Arkansas River Valley		
<10 mi ² watershed	5	2
10 mi ² to 150 mi ²	5	3
151 mi ² to 400 mi ²	5	4
>400 mi ² watershed	5	5
Ouachita Mountains		
<10 mi ² watershed	6	2
>10 mi ² watershed	6	6
Typical Gulf Coastal		
<10 mi ² watershed	5	2
10 mi ² to 500 mi ²	5	3
>500 mi ² watershed	5	5
Springwater-influenced Gulf Coastal		
All size watersheds	6	5
Delta (least-altered and channel altered)		
<10 mi ² watershed	5	2
10 mi ² to 100 mi ²	5	3
>100 mi ² watershed	5	5
Trout Waters		
All size watersheds	6	6

In streams with watersheds of less than 10 mi², it is assumed that insufficient water exists to support a ~~fishery~~ fish community as described in Reg. 2.302 during the critical season. During this time, a ~~D.O.~~ dissolved oxygen standard of ~~2 mg/l~~ 2 mg/L will apply to prevent nuisance

EXHIBIT A **Second Amended Petition**

conditions. However, field verification is required in areas suspected of having significant groundwater flows or enduring pools which may support unique aquatic biota. In such waters the critical season standard for the next size category of stream shall apply.

All streams with watersheds of less than 10 mi² are expected to support a fishery fish community as described in Reg. 2.302 during the primary season when stream flows, including discharges, equal or exceed 1 cubic foot per second (~~CFS~~) (cfs). However, when site verification indicates that a fishery fish community as described in Reg. 2.302 exists at flows below 1 ~~CFS~~ cfs, such fishery will be protected by the primary standard (Please refer to the State of Arkansas Continuing Planning Process for field verification requirements).

Also, in these streams with watersheds of less than 10 mi², where waste discharges are 1 ~~CFS~~ cfs or more, they are assumed to provide sufficient water to support a perennial fishery fish community as described in Reg. 2.302 and, therefore, must meet the dissolved oxygen standards of the next size category of streams.

For purposes of determining effluent discharge limits, the following conditions shall apply:

- (A) The primary season dissolved oxygen standard is to be met at a water temperature of 22°C (71.5°F) and at the minimum stream flow for that season. At water temperatures of 10°C (50°F), the dissolved oxygen standard is 6.5 ~~mg/l~~ mg/L.
- (B) During March, April and May, when background stream flows are 15 ~~CFS~~ cfs or higher, the ~~D.O.~~ dissolved oxygen standard is 6.5 ~~mg/l~~ mg/L in all areas except the Delta Ecoregion, where the primary season ~~D.O.~~ dissolved oxygen standard will remain at 5 ~~mg/l~~ mg/L.
- (C) The critical season dissolved oxygen standard is to be met at maximum allowable water temperatures and at Q7-10 flows. However, when water temperatures exceed 22°C (71.6°F), a 1 ~~mg/l~~ mg/L diurnal depression will be allowed below the applicable critical standard for no more than 8 hours during any 24-hour period.

Lakes and Reservoirs

Specific dissolved oxygen standards for lakes and reservoirs shall be 5 ~~mg/l~~ mg/L. Effluent limits for oxygen-demanding discharges into impounded waters are promulgated in Regulation No. 6 of the Arkansas Pollution Control and Ecology Commission. However, the Commission may, after full satisfaction of the intergovernmental coordination and public participation provisions of the State of Arkansas state's eContinuing pPlanning pProcess, establish alternative limits for dissolved oxygen in lakes and reservoirs where studies and other relevant information can demonstrate that predominant ecosystem conditions may be more accurately reflected by such alternate limits; provided that these limits shall be compatible with all designated beneficial uses of named lakes and reservoirs.

EXHIBIT A Second Amended Petition

Reg. 2.506 Radioactivity

The Rules and Regulations for the Control of Sources of Ionizing Radiation of the Division of Radiological Health, Arkansas Department of Health, limits the maximum permissible levels of radiation that may be present in effluents to surface waters in uncontrollable areas. These limits shall apply for the purposes of these standards, except that in no case shall the levels of dissolved radium-226 and strontium-90 exceed 3 and 10 picocuries/liter, respectively, in the receiving water after mixing, nor shall the gross beta concentration exceed 1000 picocuries/liter.

Reg. 2.507 Bacteria

~~The Arkansas Department of Health has the responsibility of approving or disapproving surface waters for public water supply and of approving or disapproving the suitability of specifically delineated outdoor bathing places for body contact recreation, and it has issued rules and regulations pertaining to such uses.~~

~~For the purposes of this regulation, all streams with watersheds less than 10 mi² shall not be designated for primary contact unless and until site verification indicates that such use is attainable. No mixing zones are allowed for discharges of bacteria.~~

- (A) ~~Primary Contact Waters — Between May 1 and September 30, the maximum allowable fecal coliform criteria, calculated as a geometric mean, shall be 200 col/100 ml and the single sample maximum shall be 400 col/100 ml. Alternatively, in these waters, the maximum allowable *Escherichia coli* criteria, calculated as a geometric mean, shall be 126 col/100 ml and the single sample maximum shall be 298 col/100 ml in lakes, reservoirs, Extraordinary Resource Waters (ERW), Ecologically Sensitive Waterbodies (ESW), and Natural and Scenic Waterways (NSW) or 410 col/100 ml in all other rivers and streams. During the remainder of the calendar year, these criteria may be exceeded, but at no time shall these counts exceed the level necessary to support secondary contact recreation (below).~~
- (B) ~~Secondary Contact Waters — The maximum allowable fecal coliform criteria, calculated as a geometric mean, shall be 1000 col/100 ml and the single sample maximum shall be 2000 col/100 ml. Alternatively, the maximum allowable *E. coli* criteria, calculated as a geometric mean, shall be 630 col/100 ml and the single sample maximum shall be 1490 col/100 ml for lakes, reservoirs, ERWs, ESWs, and NSWs or 2050 col/100 ml for all other rivers and streams.~~
- (C) ~~For assessment of ambient waters as impaired by bacteria, the above listed applicable values for *E. coli* shall not be exceeded in more than 25% of samples in no less than eight (8) samples taken during the primary contact season or during the secondary contact season.~~

For the purposes of this regulation, all streams with watersheds less than 10 mi² shall not be designated for primary contact unless and until site verification indicates that such use is attainable. No mixing zones are allowed for discharges of bacteria.

EXHIBIT A
Second Amended Petition

- (A) Primary Contact Season - May 1 and September 30.
- (B) Secondary Contact Season - October 1 to April 30.

For assessment of ambient waters, at least eight (8) data points must be taken during the primary contact season or during the secondary contact season.

The following standards are applicable:

<u>Contact Recreation Seasons</u>	<u>Limit (col/100ml)</u>			
<u>Primary Contact</u>	<u><i>E. coli</i></u>		<u>Fecal Coliform</u>	
	<u>IS¹</u>	<u>GM²</u>	<u>IS¹</u>	<u>GM²</u>
<u>ERW, ESW, NSW, Lakes</u>	<u>298</u>	<u>126</u>	<u>400</u>	<u>200</u>
<u>All Other Waters</u>	<u>410</u>	<u>-</u>	<u>400</u>	<u>200</u>
<u>Secondary Contact</u>				
<u>ERW, ESW, NSW, Lakes</u>	<u>1490</u>	<u>630</u>	<u>2000</u>	<u>1000</u>
<u>All Other Waters</u>	<u>2050</u>	<u>-</u>	<u>2000</u>	<u>1000</u>

1 – Individual Sample Criteria

2 – Geometric Mean – Calculated on a minimum of five samples spaced evenly and within a thirty-day period.

The Arkansas Department of Health has the responsibility of approving or disapproving surface waters for public water supply and of approving or disapproving the suitability of specifically delineated outdoor bathing places for body contact recreation, and it has issued rules and regulations pertaining to such uses.

Reg. 2.508 Toxic Substances

Toxic substances shall not be present in receiving waters, after mixing, in such quantities as to be toxic to human, animal, plant or aquatic life biota or to interfere with the normal propagation, growth and survival of the indigenous aquatic biota. The following standards for toxic substances in receiving waters, after mixing, represent the concentrations that will not be toxic to human, animal, plant, or aquatic life biota, or will not interfere with the normal propagation, growth, and survival of the indigenous aquatic biota. Acute toxicity standards may not be exceeded apply outside the zone of initial dilution (ZID). Within the ZID acute toxicity standards may be exceeded but acute toxicity may not occur. Chronic toxicity and chronic numeric toxicity standards shall not be exceeded apply at, or beyond, the edge of the mixing zone. Permitting of all toxic substances shall be in accordance with the toxic implementation strategy found in the State of Arkansas Continuing Planning Process. For non permit issues and as a guideline for evaluating toxic substances not listed in the following tables, the Department may consider No Observed Effect Concentrations (NOECs) or other literature values as appropriate. For the substances listed below, the following standards shall apply:

EXHIBIT A
Second Amended Petition

ALL WATERBODIES - AQUATIC LIFE CRITERIA

Substance	<u>Acute Values ($\mu\text{g/l}$ $\mu\text{g/L}$)</u> (Never to Exceed)	<u>Chronic Values ($\mu\text{g/l}$ $\mu\text{g/L}$)</u> (24-hr Average)
PCBs		0.0140
Aldrin	3.0	
Dieldrin	2.5	0.0019
DDT (& metabolites)	1.1	0.0010
Endrin*	0.18	0.0023
Toxaphene	0.73	0.0002
Chlordane	2.4	0.0043
Endosulfan*	0.22	0.056
Heptachlor	0.52	0.0038
Hexachlorocyclohexane*	2.0	0.080
Pentachlorophenol	$e^{[1.005(\text{pH})-4.869]}$	$e^{[1.005(\text{pH})-5.134]}$
Chlorpyrifos	0.083	0.041

*Total of all isomers

DISSOLVED METALS*

<u>Acute Criteria (CMC) - $\mu\text{g/L(ppb)}$</u>			<u>Chronic Criteria (CCC) - $\mu\text{g/L(ppb)}$</u>		
<u>Substance</u>	<u>Formula X Conversion</u>		<u>Formula X Conversion</u>		
Cadmium	$e^{[1.128(\text{Inhardness})]-3.828}$	(a)	$e^{[0.7852(\text{Inhardness})]-3.490}$	(c)	
Chromium(III)	$e^{[0.819(\text{Inhardness})]+3.688}$	0.316	$e^{[0.8190(\text{Inhardness})]+1.561}$	0.860	
Chromium (VI)	16	0.982	11	0.962	
Copper	$e^{[0.9422(\text{Inhardness})]-1.464}$	0.960	$e^{[0.8545(\text{Inhardness})]-1.465}$	0.960	
Lead	$e^{[1.273(\text{Inhardness})]-1.460}$	(b)	$e^{[1.273(\text{Inhardness})]-4.705}$	(b)	
Mercury**	2.4	0.85	0.012**	NONE	
Nickel	$e^{[0.8460(\text{Inhardness})]+3.3612}$	0.998	$e^{[0.8460(\text{Inhardness})]+1.1645}$	0.997	
Selenium**	20	NONE	5	NONE	
Silver	$e^{[1.72(\text{Inhardness})]-6.52}$	0.85	-----	NONE	
Zinc	$e^{[0.8473(\text{Inhardness})]+0.8604}$	0.978	$e^{[0.8473(\text{Inhardness})]+0.7614}$	0.986	
Cyanide**	22.36	NONE	5.2	NONE	

EXHIBIT A
Second Amended Petition

*These values may be adjusted by a site specific Water-Effects Ratio (~~WER~~) as defined in 40 CFR Part 131.36 (c).

- (a) Calculated as: $1.136672 - [(\ln \text{hardness})(0.041838)]$
- (b) Calculated as: $1.46203 - [(\ln \text{hardness})(0.145712)]$
- (c) Calculated as: $1.101672 - [(\ln \text{hardness})(0.041838)]$

**Expressed as total recoverable. Mercury based on bioaccumulation of residues in aquatic organisms, rather than toxicity.

ALL WATERBODIES - HUMAN HEALTH CRITERIA

<u>Substance</u>	<u>Criteria (ng/L)*</u>
Dioxin (2,3,7,8 TCDD)	0.001
Chlordane	5.0
PCBs (polychlorinated biphenyls)	0.4
alpha Hexachlorocyclohexane	37.3
Beryllium	4000**
Dieldrin	1.2
Toxaphene	6.3

* Criteria based on a lifetime risk factor of 10^{-5} .

** 4000 ~~ng/L~~ ng/L is also represented as 4.0 ~~ug/L~~ ug/L, which is the ~~M~~maximum contaminant level (~~MCL~~) under the EPA Safe Drinking Water Act [42 U.S.C. s/s 300f et seq. (1974)]

The permittee shall have the option to develop site-specific numerical standards for toxic substances using EPA approved bioassay methodology and guidance. Such guidance may include but may not be limited to *Water Quality Standards Handbook; Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses* (August, 1994); *Methods for Measuring the Acute Toxicity of Effluents to Freshwater and Marine Organisms* (EPA 600/4-90/027F. 5th ed. December 2002); *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms* (EPA/600/4-91/002. 4th ed. October 2002) or most recent update thereof.

Only ambient water quality data for dissolved metals generated or approved by ~~ADEQ~~ the Department after March 1, 1993 will be considered in the documentation of background concentrations for the purpose of developing permit limitations.

EXHIBIT A Second Amended Petition

Reg. 2.509 Nutrients

(A) Materials stimulating algal growth shall not be present in concentrations sufficient to cause objectionable algal densities or other nuisance aquatic vegetation or otherwise impair any designated use of the waterbody. Impairment of a waterbody from excess nutrients are dependent on the natural waterbody characteristics such as stream flow, residence time, stream slope, substrate type, canopy, riparian vegetation, primary use of waterbody, season of the year and ecoregion water chemistry. Because nutrient water column concentrations do not always correlate directly with stream impairments, impairments will be assessed by a combination of factors such as water clarity, periphyton or phytoplankton production, dissolved oxygen values, dissolved oxygen saturation, diurnal dissolved oxygen fluctuations, pH values, aquatic-life community structure and possibly others. However, when excess nutrients result in an impairment, based upon Department assessment methodology, by any established, numeric water quality standard, the waterbody will be determined to be impaired by nutrients.

(B) Site Specific Nutrient Standards

Lake	Chlorophyll a (ug/L)**	Secchi Transparency (m)***
<u>Beaver Lake*</u>	8	<u>1.1</u>

* These standards are for measurement at the Hickory Creek site over the old thalweg, below the confluence of War Eagle Creek and the White River in Beaver Lake.

** Growing season geometric mean (May - October)

*** Annual Average

~~All point source discharges into the watershed of waters officially listed on Arkansas' impaired waterbody list (303d) with phosphorus as the major cause shall have monthly average discharge permit limits no greater than those listed below. Additionally, waters in nutrient surplus watersheds as determined by Act 1061 of 2003 Regular Session of the Arkansas 84th General Assembly and subsequently designated nutrient surplus watersheds may be included under this Reg. if point source discharges are shown to provide a significant phosphorus contribution to waters within the listed nutrient surplus watersheds.~~

<u>Facility Design Flow — mgd</u>	<u>Total Phosphorus discharge limit — mg/L</u>
= or > 15	Case by case
3 to <15	1.0
1 to <3	2.0
0.5 to <1.0	5.0
<0.5	Case by Case

~~For discharges from point sources which are greater than 15 mgd, reduction of phosphorus below 1 mg/L may be required based on the magnitude of the phosphorus load (mass) and the type of downstream waterbodies (e.g., reservoirs, Extraordinary Resource Waters). Additionally, any discharge limits listed above may be further reduced if it is determined that these values are causing impairments to special waters such as domestic water supplies, lakes or reservoirs or Extraordinary Resource Waters.~~

EXHIBIT A
Second Amended Petition

Reg. 2.510 Oil and Grease

Oil, grease or petrochemical substances shall not be present in receiving waters to the extent that they produce globules or other residue or any visible, colored film on the surface, or coat the banks and/or bottoms of the watercourses or adversely affect any of the associated biota. ~~As a guideline, oil and grease shall not exceed 10 mg/l average or 15 mg/l maximum when discharging to surface waters.~~ Oil and grease shall be an average of 10 mg/L or a maximum of 15 mg/L when discharging to surface waters. No mixing zones are allowed for discharges of oil and grease.

Reg. 2.511 Mineral Quality

(A) Site Specific Mineral Quality Criteria

Mineral quality shall not be altered by municipal, industrial, other waste discharges or instream activities so as to interfere with designated uses. The following ~~limits~~ criteria apply to the streams indicated, ~~and represent the monthly average concentrations of~~ chloride (Cl⁻), sulfate (SO₄⁻²) and total dissolved solids (TDS).

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> (Cl)	<u>Sulfate</u> (SO ₄ ⁻²)	<u>Total</u> <u>Dissolved</u> <u>Solids</u> (TDS)
Arkansas River Basin			
Arkansas River (Mouth to L&D #7 <u>Murry Lock and Dam [L&D #7]</u>)	250	100	500
Bayou Meto (Rocky Branch to Bayou Two Prairie)	64*	ER 37.3	ER 411.3
<u>Long Pond Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Castor Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Cross Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
Bayou Meto (mouth to Bayou Two Prairie)	95**	45**	ER 411.3
Bayou Two Prairie (mouth to Rickey Branch)	95**	45**	ER
<u>Bayou Two Prairie (Rickey Branch to Northern boundary of Smoke Hole Natural Area)</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Bayou Two Prairie (Southern boundary of Smoke Hole Natural Area to Mouth)</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Little Bayou Meto</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Bakers Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>

EXHIBIT A
Second Amended Petition

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> <u>(Cl)</u>	<u>Sulfate</u> <u>(SO₄⁻²)</u>	<u>Total</u> <u>Dissolved</u> <u>Solids</u> <u>(TDS)</u>
<u>Wabbaseka Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Indian Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Flat Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Shumaker Branch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Skinner Branch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>White Oak Branch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Caney Creek</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Salt Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Snow Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Fish Trap Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Ricky Branch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Blue Point Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Big Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Main Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Plum Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Crooked Creek Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Indian Bayou Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Caney Creek Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Salt bayou Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Bradley Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Tupelo Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Dennis Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>

EXHIBIT A
Second Amended Petition

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> (Cl)	<u>Sulfate</u> (SO ₄ ⁻²)	<u>Total</u> <u>Dissolved</u> <u>Solids</u> (TDS)
<u>Buffalo Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Flynn Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Boggy Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Bear Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Bubbling Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Five Forks Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Government Cypress Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Brushy Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Tipton Ditch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Hurricane Slough</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Newton Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>West Bayou</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Brownsville Branch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
<u>Eagle Branch</u>	<u>95</u>	<u>45</u>	<u>411.3</u>
Rocky Branch Creek	64*	ER <u>37.3</u>	ER <u>411.3</u>
Arkansas River (L&D #7 <u>Murry Lock and Dam [L&D #7]</u> to L&D #10 <u>Dardanelle Lock and Dam [L&D #10]</u>)	250	100	500
Cadron Creek	20	20	100
Arkansas River (L&D #10 <u>Dardanelle Lock and Dam</u> <u>[L&D #10]</u> to Oklahoma line, including Dardanelle Reservoir)	250	120	500
James Fork	20	100	275
Illinois River	20	20	300
Poteau River from Business Hwy 71 to Stateline	120	60	500
Unnamed trib at Waldron	150	70	660
White River Basin			
White River (Mouth to Dam #3)	20	60	430
Big Creek	20	30	270

EXHIBIT A
Second Amended Petition

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> (Cl)	<u>Sulfate</u> (SO ₄ ⁻²)	<u>Total</u> <u>Dissolved</u> <u>Solids</u> (TDS)
Unnamed trib from Frit Ind.	ER <u>48</u>	48*	ER <u>411.3</u>
Cache River	20	30	270
Lost Creek Ditch	20	30	270
<u>Big Creek Ditch to Bayou De View</u>	<u>20</u>	<u>30</u>	<u>270</u>
Bayou DeView	20	30	270
Little Red River (including Greers Ferry Reservoir)	20	30	100
Black River	20	30	270
Strawberry River	20	30	270
Spring River	20	30	290
Eleven Point River	20	30	270
Stennitt Creek <u>from Brushy Creek to Spring River</u>	ER <u>17.3</u>	ER <u>22.7</u>	456*
South Fork Spring River	20	30	270
Myatt Creek	20	30	270
Current River	20	30	270
White River (Dam #3 to Missouri line, including Bull Shoals Reservoir)	20	20	180
Buffalo River	20	20	200
Crooked Creek	20	20	200
White River (Missouri line to headwaters, including Beaver Reservoir)	20	20	160
Kings River	20	20	150
West Fork White River	20	20	150
St. Francis River Basin			
St. Francis River (Mouth to 36° N. Lat.)	10	30	330
L'Anguille River	20	30	235
Tyronza River (headwaters to Ditch No. 6 confluence)	20	30	350
Ditch No. 27	ER <u>48</u>	480	1200
Ditch No. 6 (mouth to Ditch No. 27 confluence)	ER <u>48</u>	210	630
Tyronza River (mouth to Ditch No. 6 confluence)	20	60	350
Little River	20	30	365
Pemiscot Bayou	20	30	380
St. Francis River (36° N. Lat. to 36° 30' N. Lat.)	10	20	180
Ouachita River Basin			
Bayou Bartholomew	50 <u>30</u>	20 <u>30</u>	500 <u>220</u>
Chemin-A-Haut Creek	50	20	500
Overflow Creek	20	30	170
Bayou Macon	30	40	330

EXHIBIT A
Second Amended Petition

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> (Cl)	<u>Sulfate</u> (SO ₄ ⁻²)	<u>Total</u> <u>Dissolved</u> <u>Solids</u> (TDS)
Boeuf River	90	30	460
Big Cornie Creek	230	30	500
Little Cornie Creek	200	10	400
Three Creeks	250	10	500
Little Cornie Bayou	200	20	500
Unnamed trib from GLCC 003	538*	35*	519*
Unnamed trib to Little Cornie Bayou	305*	ER 41.3	325*
Little Cornie Bayou from unnamed trib to State Line	215*	25*	500*
Walker Branch	180*	ER 41.3	970*
Gum Creek	104*	ER 41.3	311*
Bayou de L'Outre above Gum Creek	250	90	500
Bayou de L'Outre below Gum Creek	250	90	750
Ouachita River (Louisiana line to Camden)	160	40	350
Saline River	20	40	120
Saline River east bifurcation at Holly Creek	ER 18.7	250	500
Hurricane Cr above Hurricane Lake Dam	20	250	500
Hurricane Cr from Hurricane Lk. Dam to Ben Ball			
Brdg <u>Bridge</u>	125	730	1210
Hurricane Cr from Ben Ball Bridge to Hwy.270	125	700	1200
Hurricane Cr CR from Hwy 270 to Saline River	100	500	1000
Alcoa unnamed tribs to Hurricane Cr.	125	700	1100
Dry Lost Creek and tribs	ER 18.7	560	880
Lost Creek to Little Lost Creek	ER 18.7	510	820
Lost Creek below Little Lost Creek	ER 18.7	300	550
Holly Creek	30	860	1600
Moro Creek	30	20	260
Smackover Creek	250	30	500
Haynes Creek from mouth of Flat Creek to	360*	55*	855*
Smackover creek			
Flat Creek from mouth of UTA to Haynes Creek	165*	67*	560*
Unnamed trib A to Flat Creek from mouth of	16*	80*	315*
EDCC 001 ditch to confluence with Flat Creek			
Confluence with unnamed trib A to Flat Creek	23*	125*	475*
Bayou de L'Outre Creek above Loutre Creek	180	ER 41.3	970
Unnamed trib UT004 from GLCC	014*	ER 41.3	311*
Unnamed trib UT002 from GLCC	278*	90*	500*

EXHIBIT A
Second Amended Petition

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> (Cl)	<u>Sulfate</u> (SO ₄ ⁻²)	<u>Total</u> <u>Dissolved</u> <u>Solids</u> (TDS)
Loutre Creek- from Hwy 15 South to the confluence of Bayou de Loutre	256*	997*	1756*
Bayou de Loutre – from Loutre Creek to the discharge for the City of El Dorado - South facility	264*	635*	1236*
Bayou de Loutre – from the discharge for the City of El Dorado-South downstream to the mouth of Gum Creek	250*	431*	966*
Bayou de Loutre – from the mouth of Gum Creek downstream to the mouth of Boggy Creek	250*	345*	780*
Boggy Creek - from the discharge for Clean Harbors El Dorado LLC to the confluence of Bayou de Loutre	631*	63*	1360*
Bayou de Loutre- from the mouth of Boggy Creek downstream to the mouth of Hibank Creek	250*	296*	750*
Bayou de Loutre – from the mouth of Hibank Creek downstream to the mouth of Mill Creek	250*	263*	750*
Bayou de Loutre – from the mouth of Mill Creek downstream to the mouth of Buckaloo Branch	250*	237*	750*
Bayou de Loutre- from the mouth of Buckaloo Branch downstream to the mouth of Bear Creek	250*	216*	750*
Bayou de Loutre – from the mouth of Bear Creek downstream to the final segment of Bayou de Loutre	250*	198*	750*
Bayou de Loutre (Final segment) – from the mouth of Bear Creek to the Arkansas/Louisiana State Line	250*	171*	750*
Ouachita River (Camden to Carpenter Dam)	50	40	150
Town Creek below Acme trib.	ER <u>18.7</u>	200	700
Unnamed trib from Acme	ER <u>18.7</u>	330	830
Little Missouri River	10	90	180
Muddy Fork Little Missouri	ER <u>18.7</u>	250	500
Bluff Creek and unnamed trib.	ER <u>18.7</u>	651*	1033*
Garland Creek	250	250	500
South Fork Caddo	ER <u>15</u>	60	128
Back Valley Creek	ER <u>15</u>	250	500
Ouachita River (Carpenter Dam to Headwaters, including Lake Ouachita tributaries)	10	10	100

EXHIBIT A
Second Amended Petition

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Chloride</u> (Cl)	<u>Sulfate</u> (SO ₄ ⁻²)	<u>Total</u> <u>Dissolved</u> <u>Solids</u> (TDS)
Red River Basin			
Bayou Dorcheat	100	16*	250
Albemarle unnamed trib (AUT) to Horsehead Creek	137*	ER <u>41.3</u>	383*
Horsehead Creek from AUT to mouth	85*	ER <u>41.3</u>	260*
Cypress Creek	250	70	500
Crooked Creek	250	10	500
Dismukes Creek	26	ER <u>41.3</u>	157
Big Creek from Dismukes to Bayou Dorcheat	20	ER <u>41.3</u>	200
Bois d'Arc Creek from Caney Creek to Red River	113*	283*	420*
Caney Creek	113*	283*	420*
Bodcau Creek	250	70	500
Poston Bayou	120	40	500
Kelley Bayou	90	40	500
Red River from Oklahoma to confluence with Little River	250	200	850
Red River from Little River to Louisiana	250	200	500
Sulphur River	120	100	500
Days Creek	250	250	500
McKinney Bayou	180	60	480
Little River	20	20	100
Saline River	20	10	90
Mine Creek from Hwy 27 to Millwood Lake	90	65	700
Cossatot River	10	15	70
Upper Rolling Fork	20	20	100
Rolling Fork from unnamed trib A to DeQueen Lake	130	70	670
Unnamed tribs A and A1 at Grannis	135	70	700
Mountain Fork	20	20	110
Mississippi River (Louisiana line to Arkansas River)	60	150	425
Mississippi River (Arkansas River to Missouri line)	60	175	450

~~ER—ecoregion standard~~

~~*—based on critical background flow of 4 cfs~~

~~**—These limits shall apply to all tributaries of Bayou Meto and Bayou Two Prairie listed in Appendix A~~

~~Any modification of these values must be made in accordance with Reg. 2.306.~~

(B) Ecoregion Reference Stream Minerals Values

The following values determined from ~~Arkansas~~ Arkansas's least-disturbed ecoregion reference streams are considered to be the

EXHIBIT A
Second Amended Petition

maximum naturally occurring levels. For waterbodies not listed above, any discharge which results in instream concentrations ~~more than 1/3 higher than these values for Cl and SO₄⁻ or more than 15 mg/l, whichever is greater~~ greater than those listed in the table below is considered to be a significant modification of the water quality. Similarly, ~~such modification exists if the following TDS values are exceeded after being increased by the sum of the increases to Cl and SO₄⁻.~~ Such modifications may be made only in accordance with Reg. 2.306.

CALCULATED ECOREGION REFERENCE STREAM VALUES (mg/L)

Ecoregion	Chlorides (Cl ⁻)	Sulfates (SO ₄ ²⁻)	TDS
Ozark Highlands	17.3	22.7	250
Boston Mountains	17.3	15	95.3
Arkansas River Valley	15	17.3	112.3
Ouachita Mountains	15	20	142
Gulf Coastal Plains	18.7	41.3	138
Delta	48	37.3	411.3

(C) Domestic Water Supply Criteria

In no case shall discharges cause concentrations in any waterbody to exceed 250, 250 and 500 ~~mg/L~~ mg/L of chlorides, sulfates and total dissolved solids, respectively, or cause concentrations to exceed the applicable ~~limits~~ criteria in the streams to which they are a tributary, except in accordance with Reg. 2.306.

EXHIBIT A
Second Amended Petition

Reg. 2.512 Ammonia

The ~~total ammonia nitrogen (N) criteria shall not exceed those values and the frequency of occurrence established in the following tables are as follows:~~

- (A) The one-hour average concentration of total ammonia nitrogen shall not exceed, more than once every three years on the average, the acute criterion as shown in the following table:

pH-Dependent Values of the CMC (Acute Criterion) mg/L

<u>pH</u>	<u>Salmonids*</u> <u>Present</u>	<u>Salmonids</u> <u>Absent</u>
6.5	32.6	48.8
6.6	31.3	46.8
6.7	29.8	44.6
6.8	28.1	42.0
6.9	26.2	39.1
7.0	24.1	36.1
7.1	22.0	32.8
7.2	19.7	29.5
7.3	17.5	26.2
7.4	15.4	23.0
7.5	13.3	19.9
7.6	11.4	17.0
7.7	9.65	14.4
7.8	8.11	12.1
7.9	6.77	10.1
8.0	5.62	8.40
8.1	4.64	6.95
8.2	3.83	5.72
8.3	3.15	4.71
8.4	2.59	3.88
8.5	2.14	3.20
8.6	1.77	2.65
8.7	1.47	2.20
8.8	1.23	1.84
8.9	1.04	1.56
9.0	0.885	1.32

* Family of fishes which includes trout

- (B) The thirty-day average concentration of total ammonia nitrogen shall not exceed those values shown as the chronic criterion in the following tables:

EXHIBIT A
Second Amended Petition

Temperature and pH-Dependent Values of the CCC (Chronic Criterion)
for Fish Early Life Stages Present - mg/L

<u>pH</u>	<u>Temperature, °C</u>									
	<u>0</u>	<u>14</u>	<u>16</u>	<u>18</u>	<u>20</u>	<u>22</u>	<u>24</u>	<u>26</u>	<u>28</u>	<u>30</u>
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

EXHIBIT A
Second Amended Petition

Temperature and pH-Dependent Values of the CCC (Chronic Criterion)
for Fish Early Life Stages Absent – mg/L

<u>pH</u>	<u>Temperature, °C</u>									
	<u>0-7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>	<u>12</u>	<u>13</u>	<u>14</u>	<u>15*</u>	<u>16*</u>
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89	6.46	6.06
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79	6.36	5.97
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66	6.25	5.86
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51	6.10	5.72
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33	5.93	5.56
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11	5.73	5.37
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86	5.49	5.15
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57	5.22	4.90
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25	4.92	4.61
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89	4.59	4.30
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51	4.23	3.97
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11	3.85	3.61
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70	3.47	3.25
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89	2.71	2.54
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52	2.36	2.21
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17	2.03	1.91
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85	1.74	1.63
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58	1.48	1.39
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33	1.25	1.17
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13	1.06	0.990
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951	0.892	0.836
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805	0.754	0.707
8.8	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684	0.641	0.601
8.9	0.917	0.860	0.806	0.756	0.709	0.664	0.623	0.584	0.548	0.513
9.0	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503	0.471	0.442

* At 15 °C and above, the criterion for fish ELS Early Life Stage absent is the same as the criterion for fish ELS Early Life Stage present.

- (C) The highest four-day average within a 30-day period should not exceed 2.5 times the chronic values shown above.
- (D) For permitted discharges, the daily maximum or 7seven-day average permit limit shall be calculated using the four-day average value described above as an instream value, after mixing and based on a season when fish early life stages are present and a season when fish early life stages are absent. Temperature values used will be 14°C when fish early life stages are absent and the ecoregion temperature standard for the season when fish early life stages are present. The pH values will be the ecoregion mean value from least-disturbed stream data.

CHAPTER 6: EFFECTIVE DATE

This regulation is effective ten (10) days after filing with the Secretary of State, The State Library, and the Bureau of Legislative Research.

EXHIBIT A
Second Amended Petition



REGULATION NO. 2

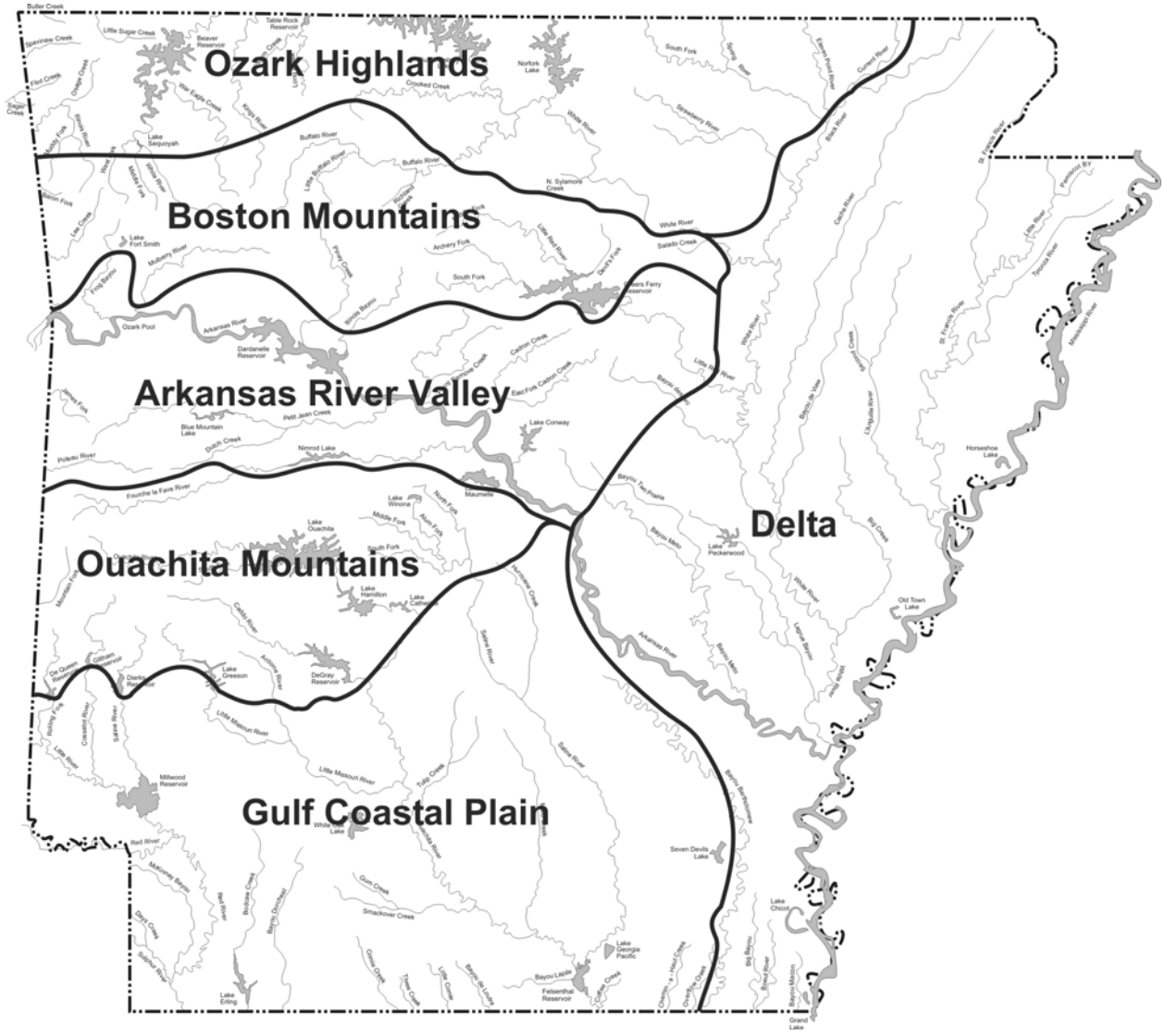
APPENDIX A

**Designated Uses, Specific Standards and Maps of Waters of
the State by Ecoregions**

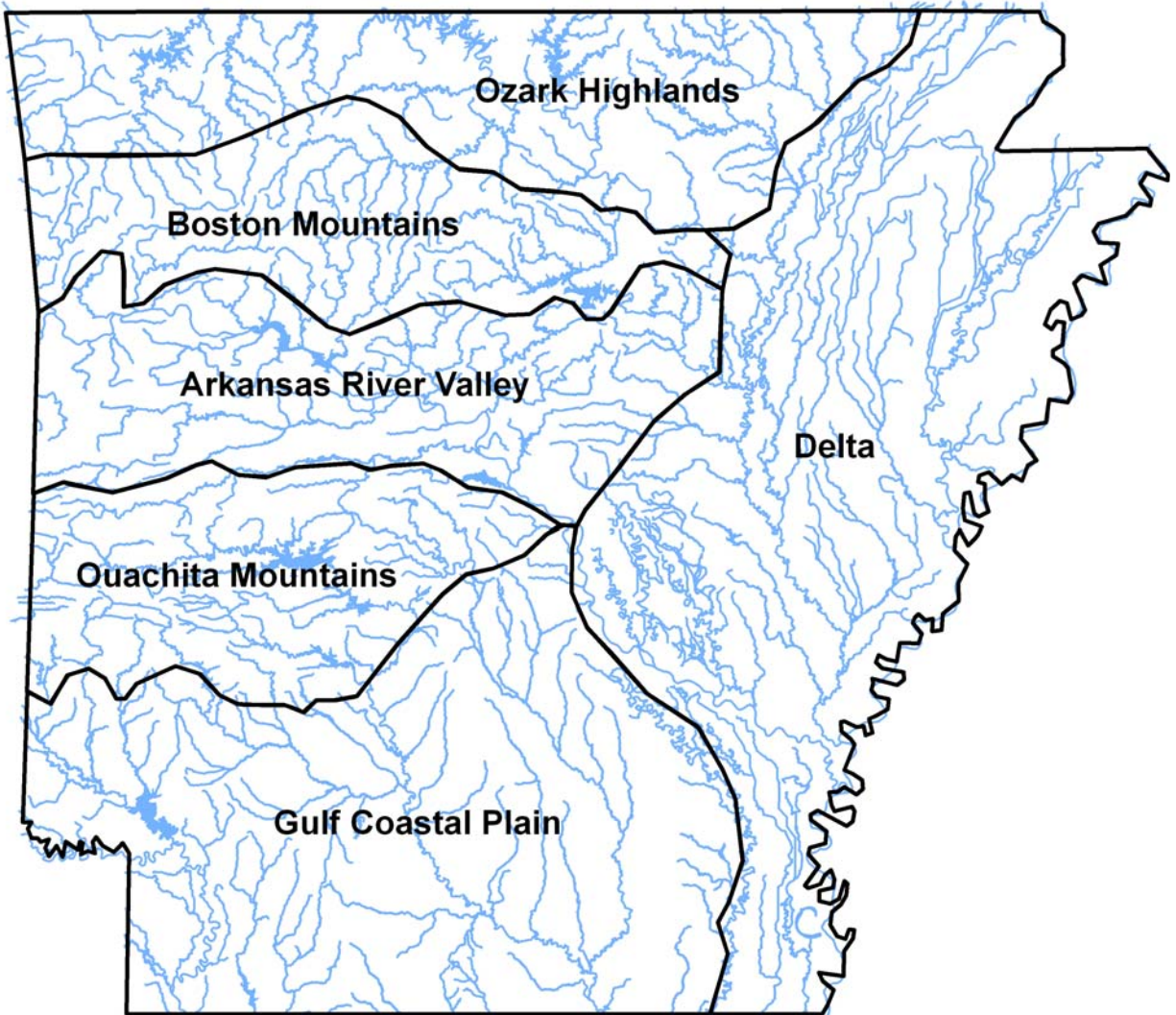
~~(September 28, 2007)~~ (, 2010)

EXHIBIT A
Second Amended Petition

APPENDIX A: MAP OF ECOREGIONS OF ARKANSAS



APPENDIX A: MAP OF ECOREGIONS OF ARKANSAS



Ozark Highlands A-4

Boston Mountains A-17

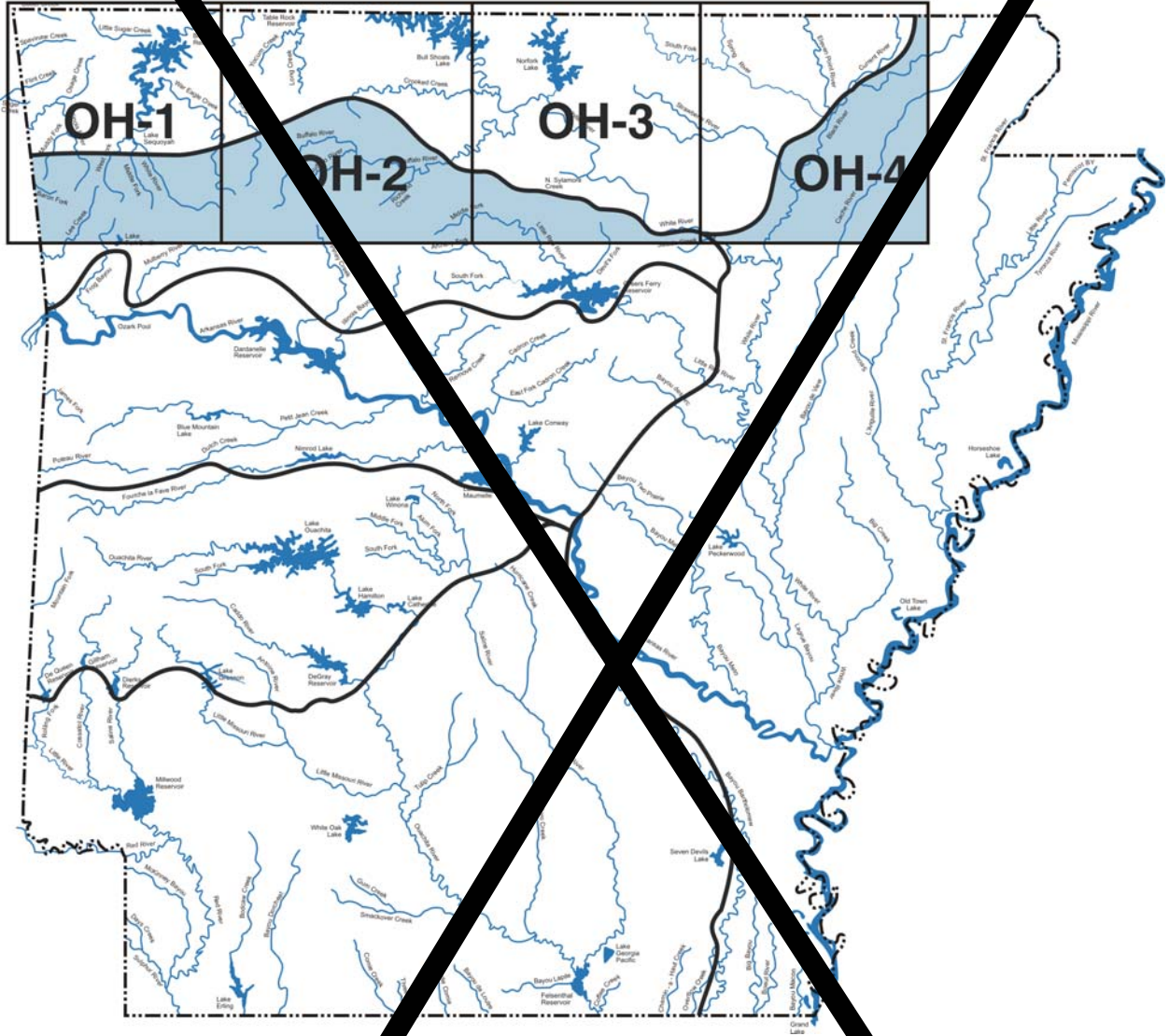
Arkansas River Valley A-27

Ouachita Mountains A-37

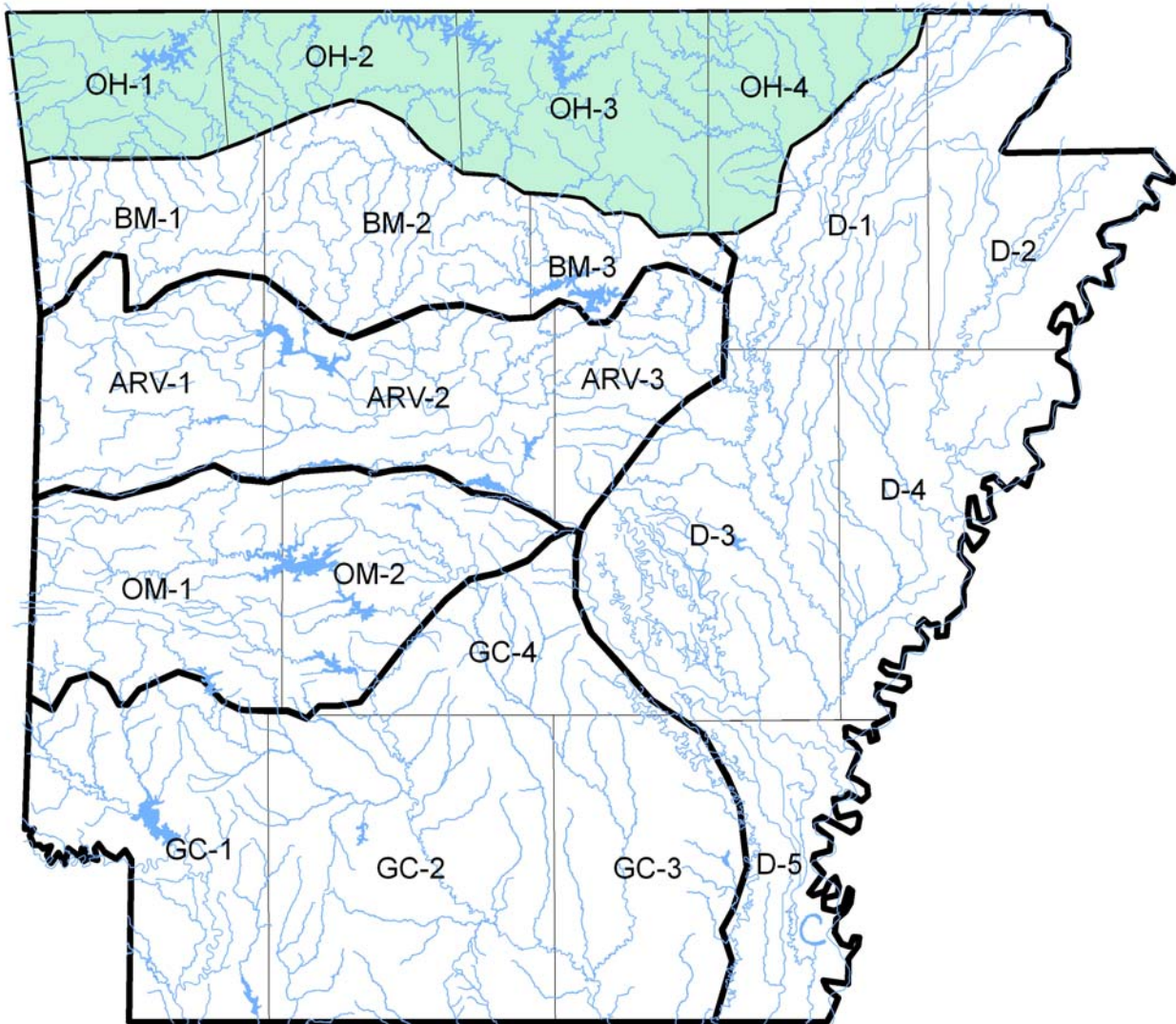
Gulf Coastal A-45

Delta A-61

Index to Plates of the Ozark Highlands



Index to Plates of the Ozark Highlands



Second Amended Petition

DESIGNATED USES: OZARK HIGHLANDS ECOREGION (Plates OH-1, OH-2, OH-3, OH-4)

Extraordinary Resource Waters

Current River (OH-4)

Eleven Point River (OH-4)

Strawberry River (OH-3, OH-4)

Little Strawberry River (OH-3)

Spring River, including its tributaries: Field Creek, Big Creek, English Creek, Gut Creek, and Myatt Creek (OH-4)

South Fork Spring River (OH-3, OH-4)

North Sylamore Creek (OH-3)

Buffalo River (OH-2, OH-3)

Kings River (OH-2)

Bull Shoals Reservoir (OH-2, OH-3)

Natural and Scenic Waterways

Strawberry River from headwaters to Sharp-Izard County Line (OH-3, OH-4)

Kings River - segment in Madison County (OH-2)

Buffalo River (OH-2, OH-3)

North Sylamore Creek (OH-3)*

Ecologically Sensitive Waterbodies

Cave Springs Cave, Logan Cave, and nNumerous springs and spring-fed tributaries which support southern cavefish, Ozark cavefish, Arkansas darter, least darter, Oklahoma salamander, cave snails, cave crawfish, and unique invertebrates (OH-1, OH-2, OH-3)

Strawberry River - location of Strawberry River darter (OH-3, OH-4)

Little Strawberry River - location of Strawberry River darter (OH-3)

Spring River - snuffbox and pink mucket mussels; Ozark hellbender (OH-4)

Rock Creek - snuffbox and pink mucket mussels; Ozark hellbender (OH-4)

Eleven Point River - location of Ozark hellbender (OH-4)

Current River - location of flat floater and pink mucket mussels (OH-4)

Illinois River - Neosho mucket (OH-1)

Primary Contact Recreation - all streams with watersheds of greater than 10 mi² and all lakes/reservoirs**

Secondary Contact Recreation - all waters**

Domestic, Industrial and Agricultural Water Supply - all waters**

Fisheries Aquatic Life**

Trout

Bull Shoals Reservoir - lower portion (OH-2)

White River from Bull Shoals Dam to Dam #3 (OH-3)

North Fork White River (OH-3)

Spring River from Mammoth Springs to South Fork Spring River (OH-4)

Upper White River from Beaver Dam to State Line (OH-1)

Lakes and Reservoirs - all

Streams

Seasonal Ozark Highlands fishery aquatic life use - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Ozark Highlands fishery aquatic life use - all streams with watersheds of 10 mi² and larger and those waters where discharges equal or exceed 1 ~~CFS~~ cfs

Second Amended Petition

*As designated in the National Wild and Scenic Rivers System

**Except for those waters with designated use variations supported by UAA or other investigations.

Designated Use Variations Supported by UAA or Other Investigations

Railroad Hollow Creek - no fishable/swimmable uses (OH-1, #1)
 Columbia Hollow Creek - seasonal fishery aquatic life use March-June (OH-1, #2)
 Curia Creek below first waterfall - perennial fishery aquatic life use (OH-4, #3)
 Moccasin Creek below Highway 177 - perennial fishery aquatic life use (OH-3, #4)
 Stennitt Creek from Brushy Creek to Spring River - no domestic water supply use (OH-4, #6)

SPECIFIC STANDARDS: OZARK HIGHLANDS ECOREGION (Plates OH-1, OH-2, OH-3, OH-4)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	29 (84.2)	32 (89.6)
Trout waters	20 (68)	
Turbidity (NTU) (base/all)	10/17	25/45
Minerals	see Reg. 2.511	see Reg. 2.511
Dissolved Oxygen**	<u>Pri.</u> <u>Crit</u>	see Reg. 2.505
<10 mi ² watershed	6 2	
10 to 100 mi ²	6 5	
>100 mi ² watershed	6 6	
Trout waters	6 6	

All other standards (same as statewide)

Specific Standards Variations Supported by UAA

Railroad Hollow Creek from headwaters to Spavinaw Creek - dissolved oxygen standard ~~2 mg/l~~ mg/L year-round (OH-1, #1)
 Curia Creek below first waterfall - critical season ~~D-O~~ dissolved oxygen standard ~~6 mg/l~~ mg/L (OH-4, #3)
 Moccasin Creek below Highway 177 - critical season ~~D-O~~ dissolved oxygen standard ~~5 mg/l~~ mg/L (OH-3, #4)
 SWEPCO Reservoir - maximum temperature 54°C (limitation of 2.8°C above natural temperature does not apply) (OH-1, #5)
 Stennitt Creek from Brushy Creek to Spring River - ~~TDS=~~ total dissolved solids ~~456 mg/l~~ mg/L (OH-4, #6)

*Increase over natural temperatures may not be more than 2.8°C (5°F).

**At water temperatures ≤10°C or during March, April and May when stream flows are 15 ~~CFS~~ cfs and greater, the primary season ~~D-O~~ dissolved oxygen standard will be 6.5 ~~mg/l~~ mg/L. When water temperatures exceed 22°C, the critical season ~~D-O~~ dissolved oxygen standard may be depressed by 1 ~~mg/l~~ mg/L for no more than 8 hours during a 24-hour period.

Plate OH-1 (Ozark Highlands)



LEGEND

-  - Ecologically Sensitive Waterbody
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

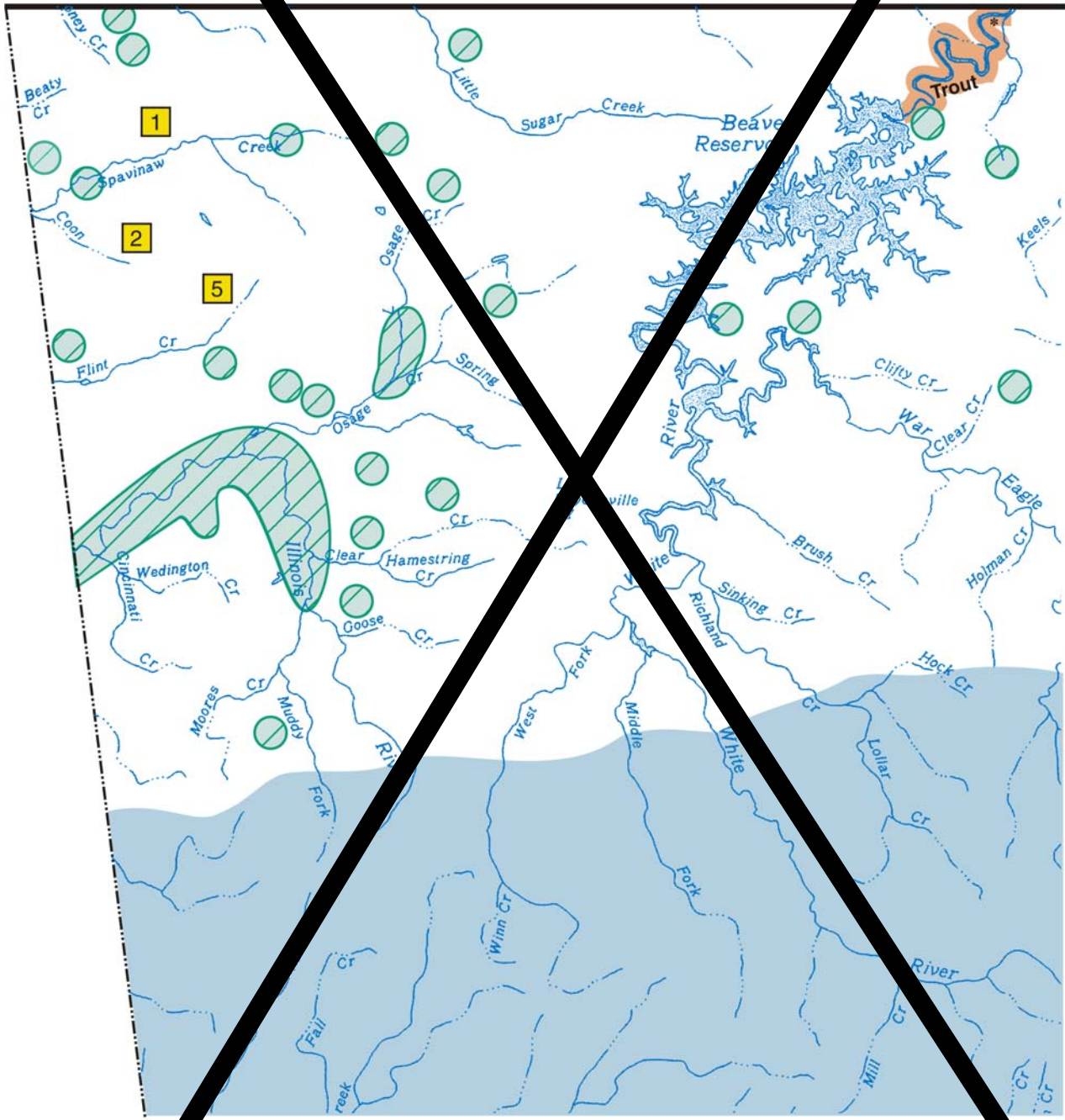
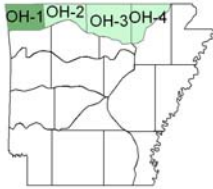


Plate OH-1 (Ozark Highlands)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

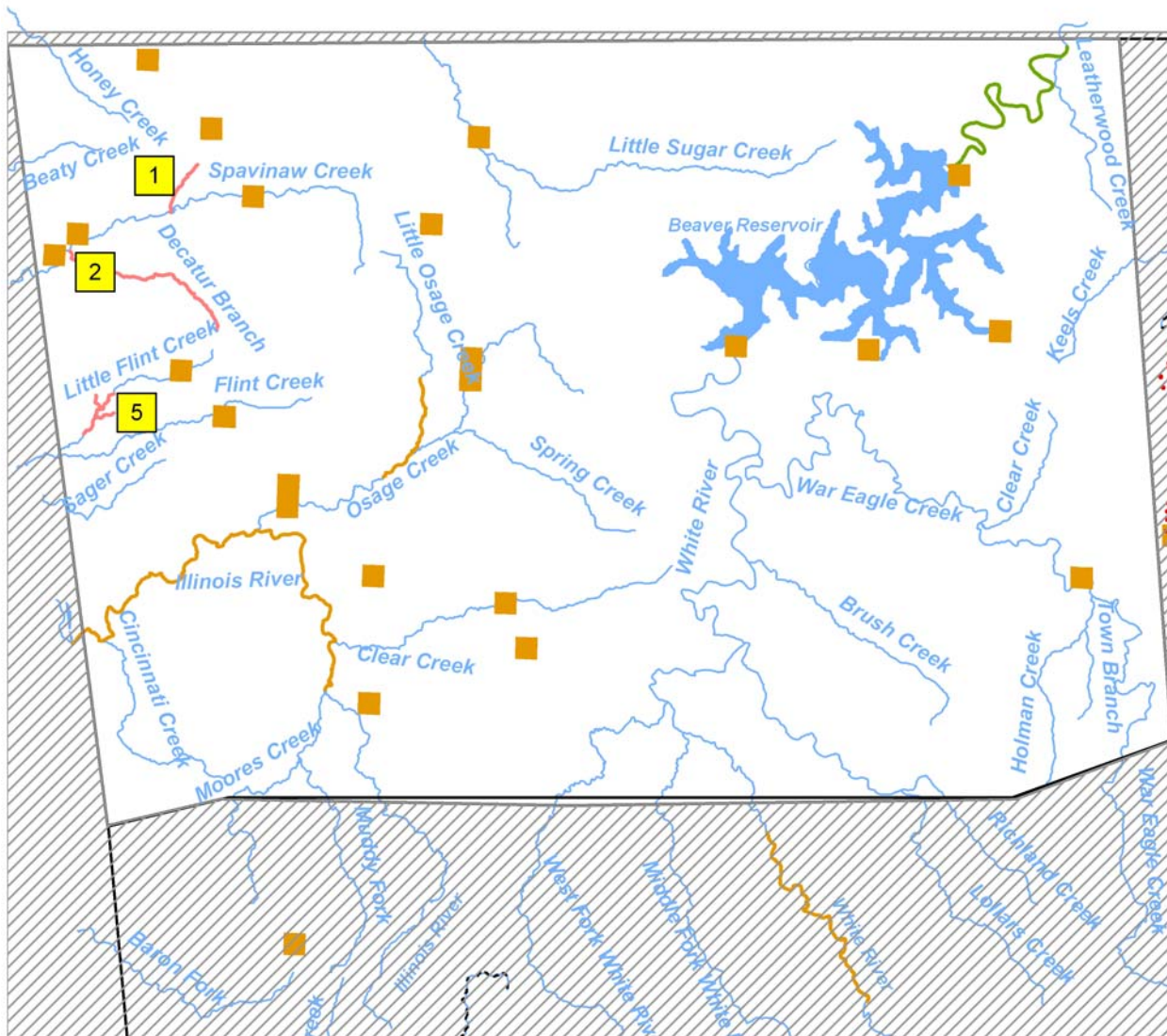




Plate OH-2 (Ozark Highlands)



LEGEND

-  - Ecologically Sensitive Water Bodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

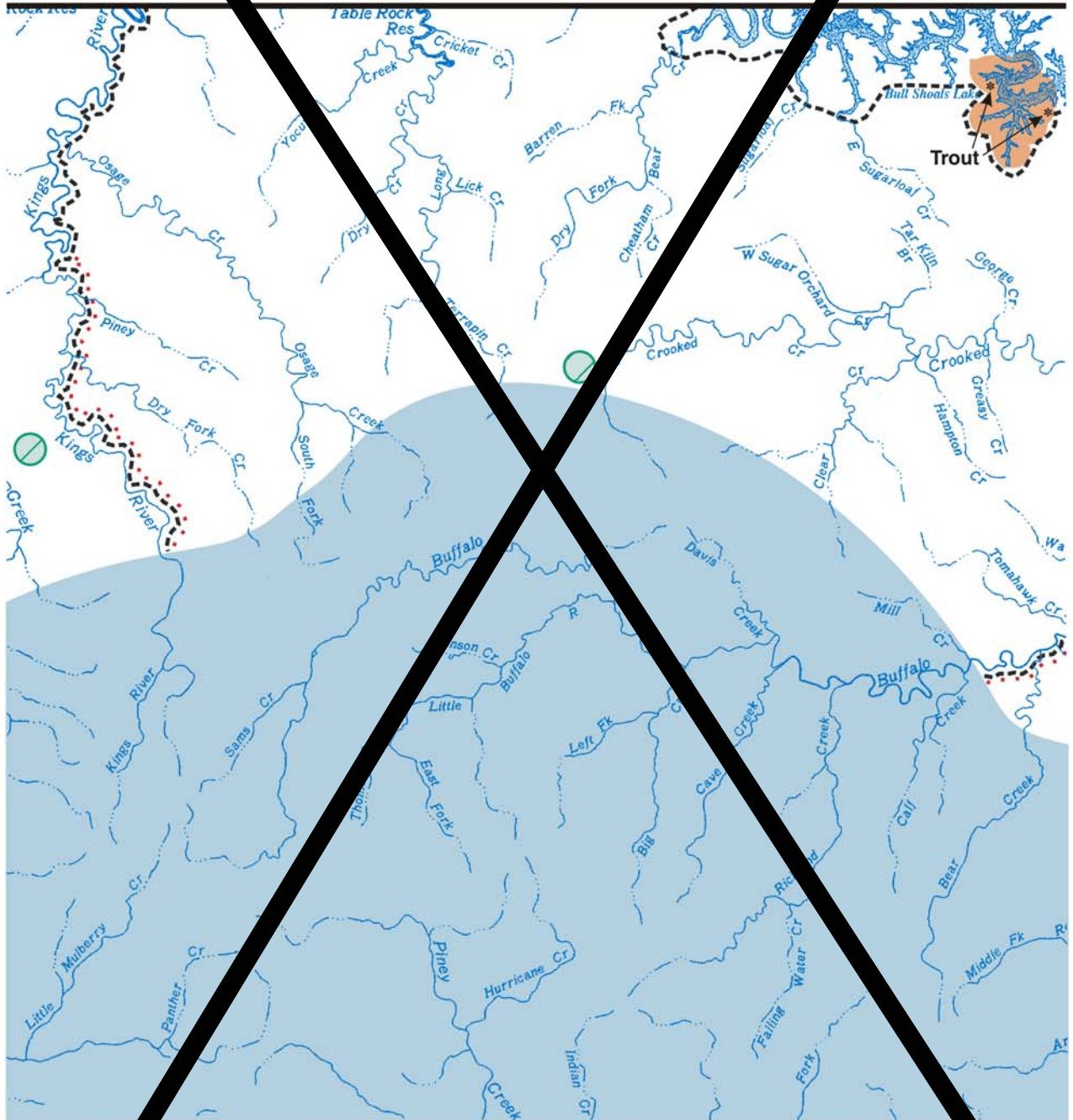
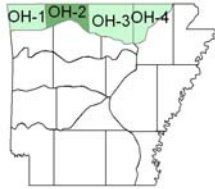


Plate OH-2 (Ozark Highlands)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

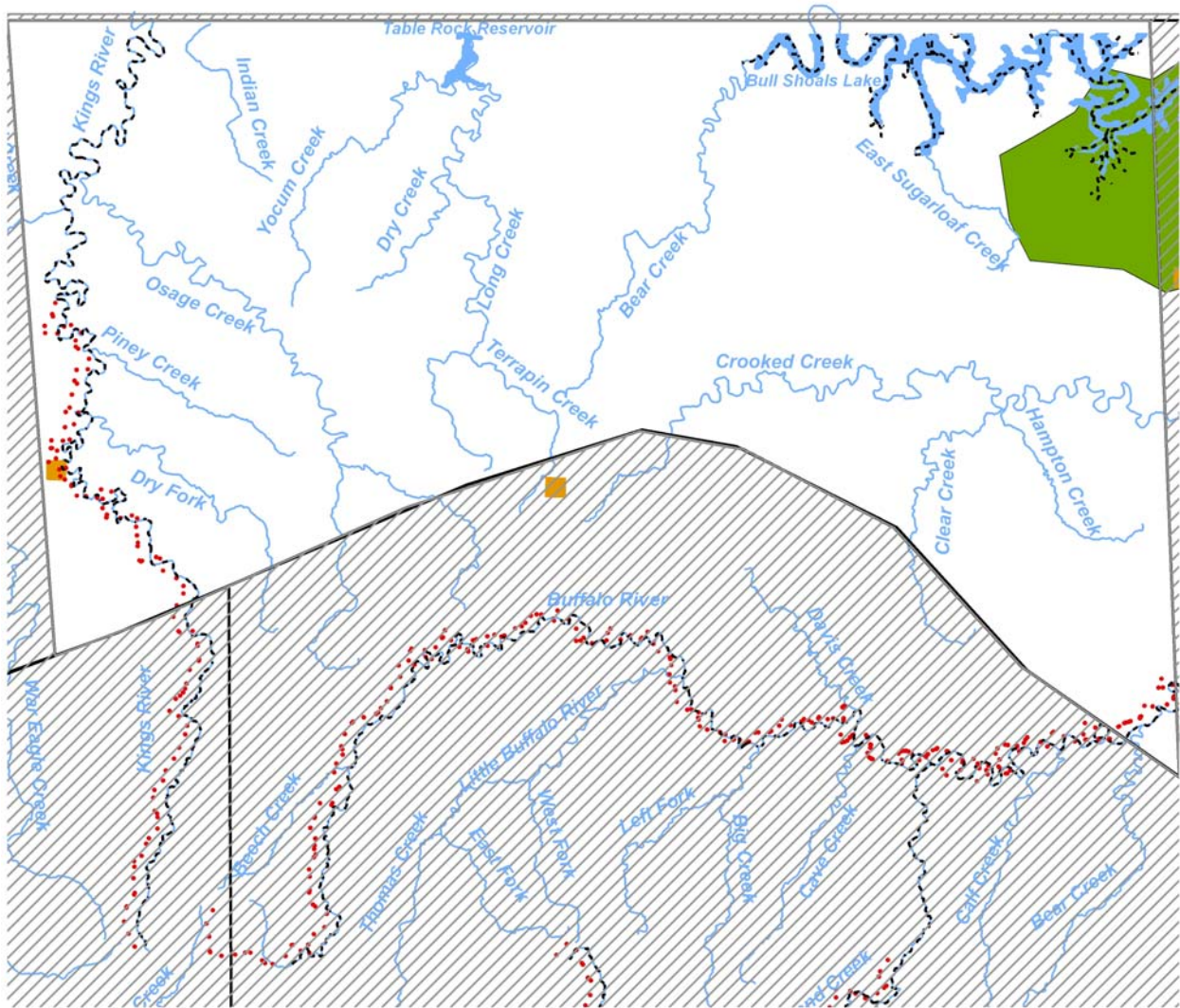



Plate OH-3 (Ozark Highlands)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

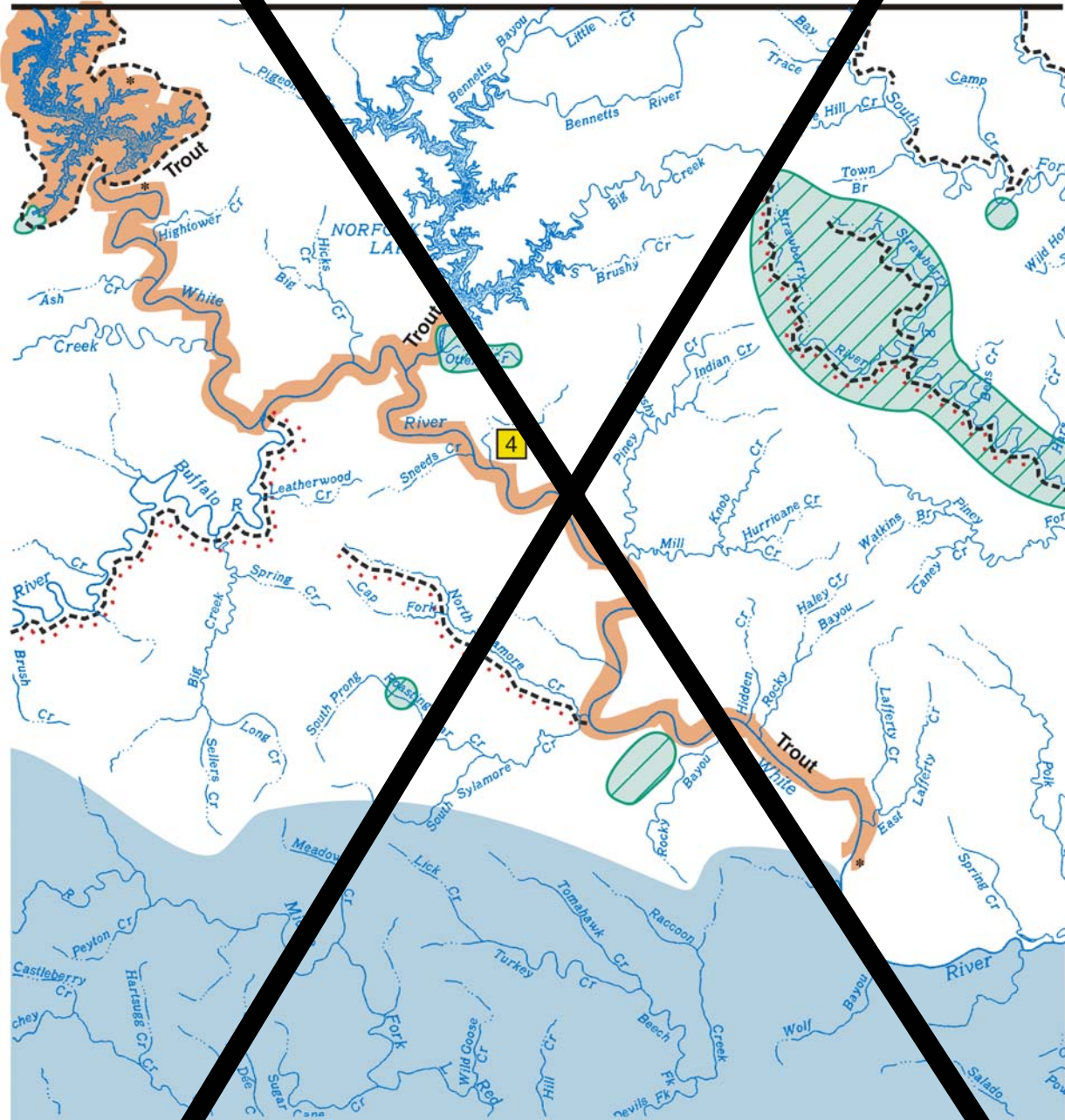


Plate OH-3 (Ozark Highlands)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

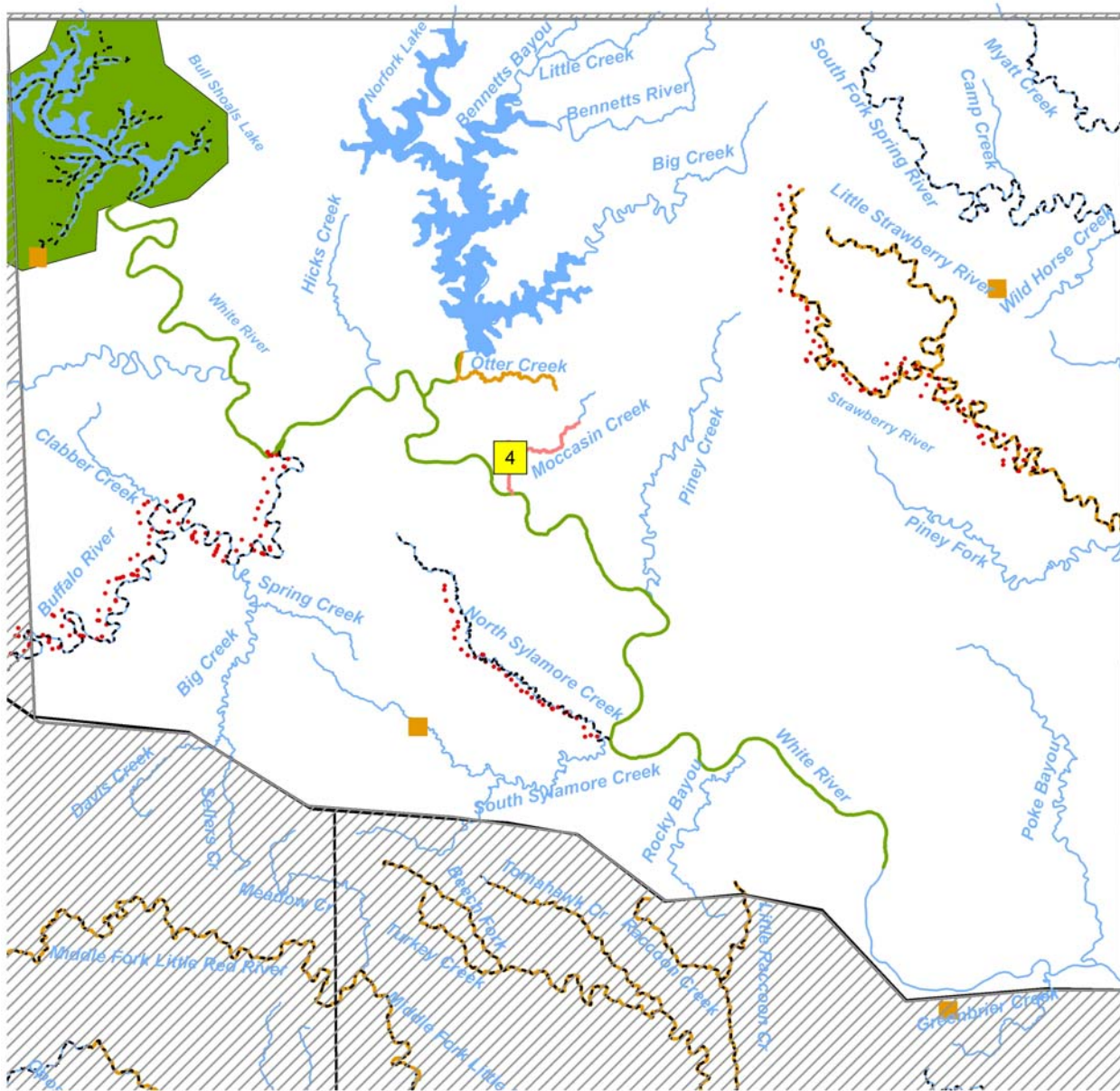


Plate OH-4 (Ozark Highlands)



LEGEND

-  - Ecologically Sensitive Water Bodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

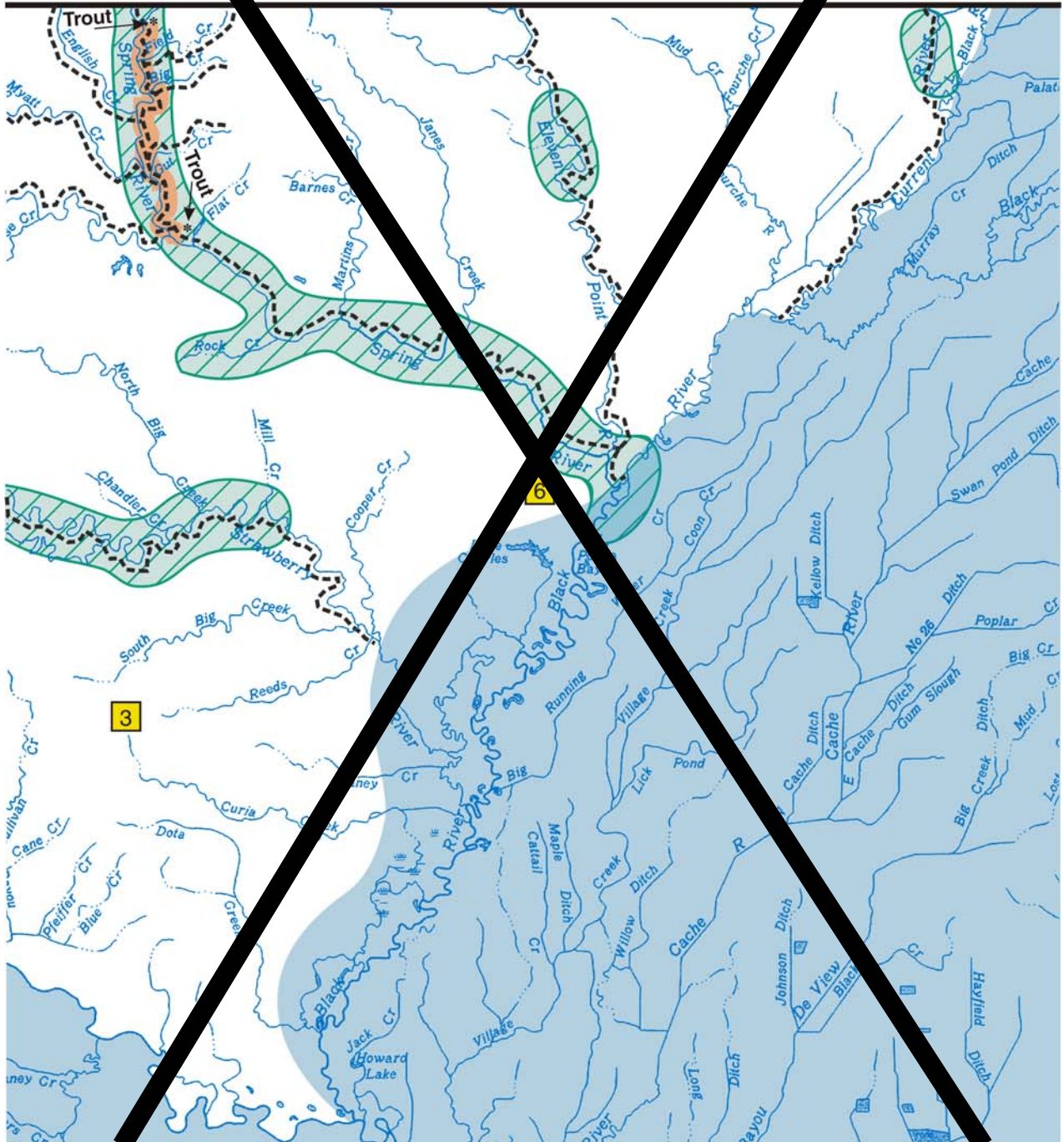
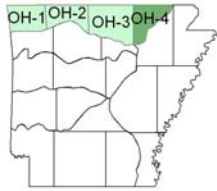
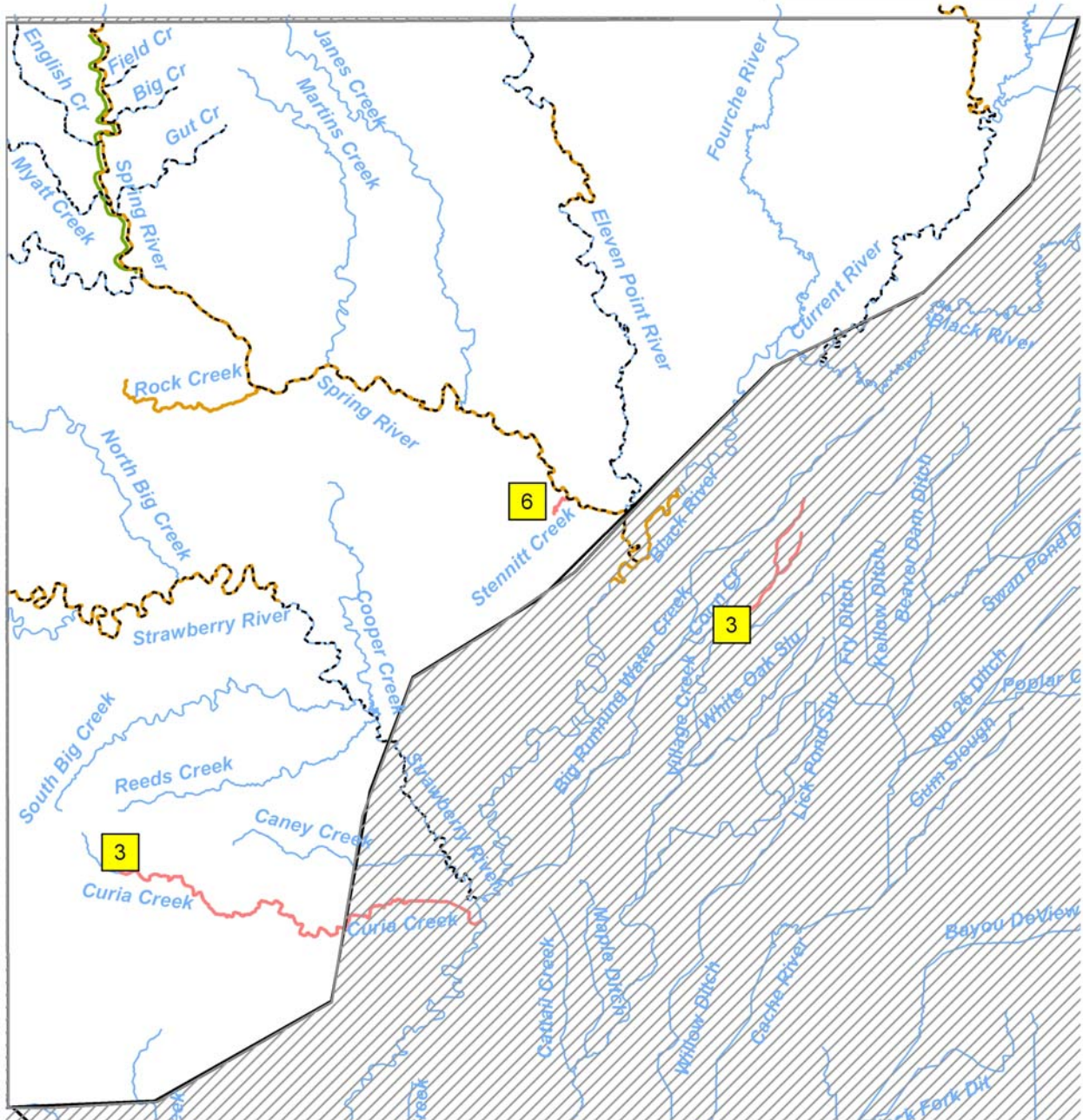


Plate OH-4 (Ozark Highlands)



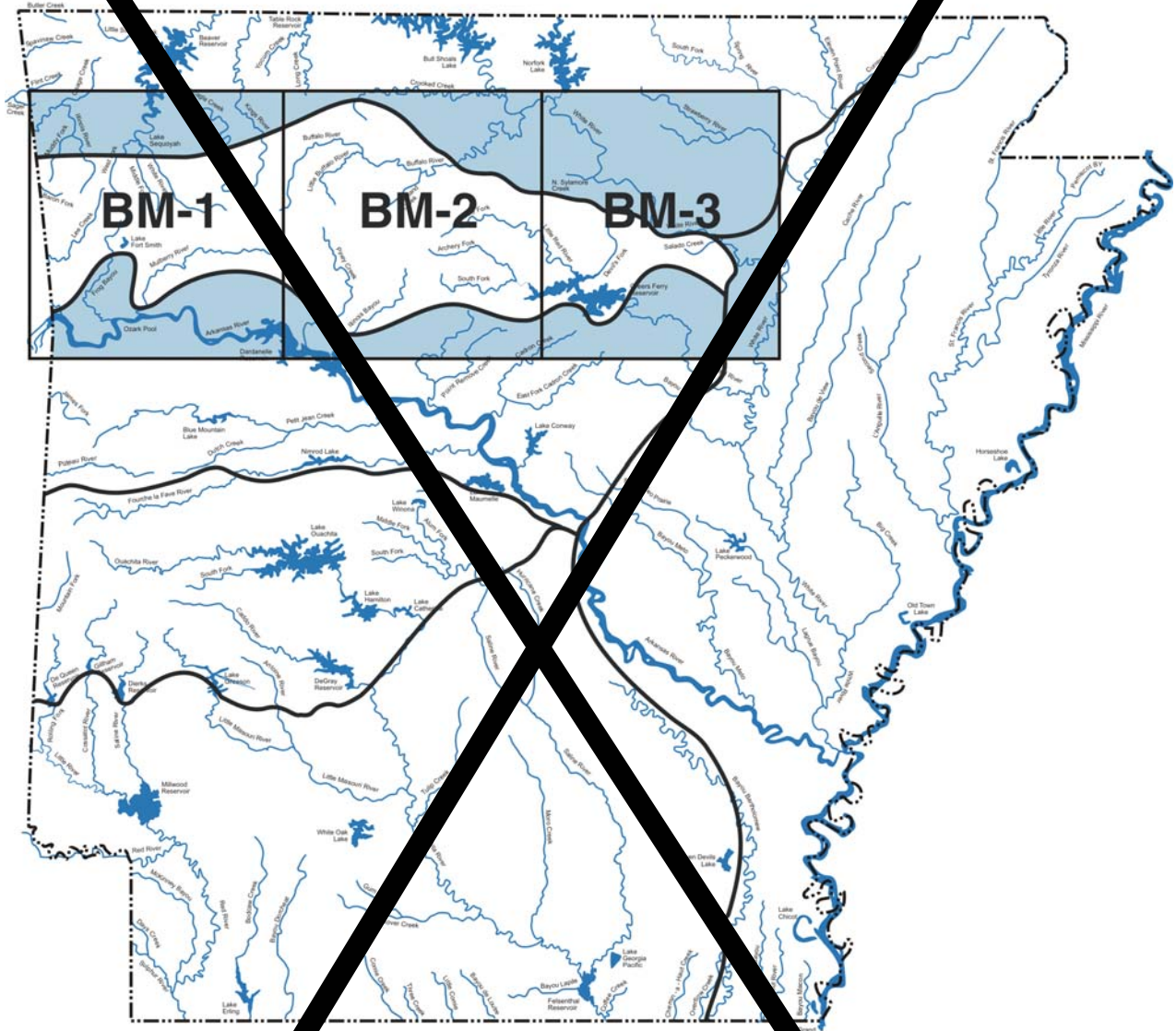
LEGEND

- Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

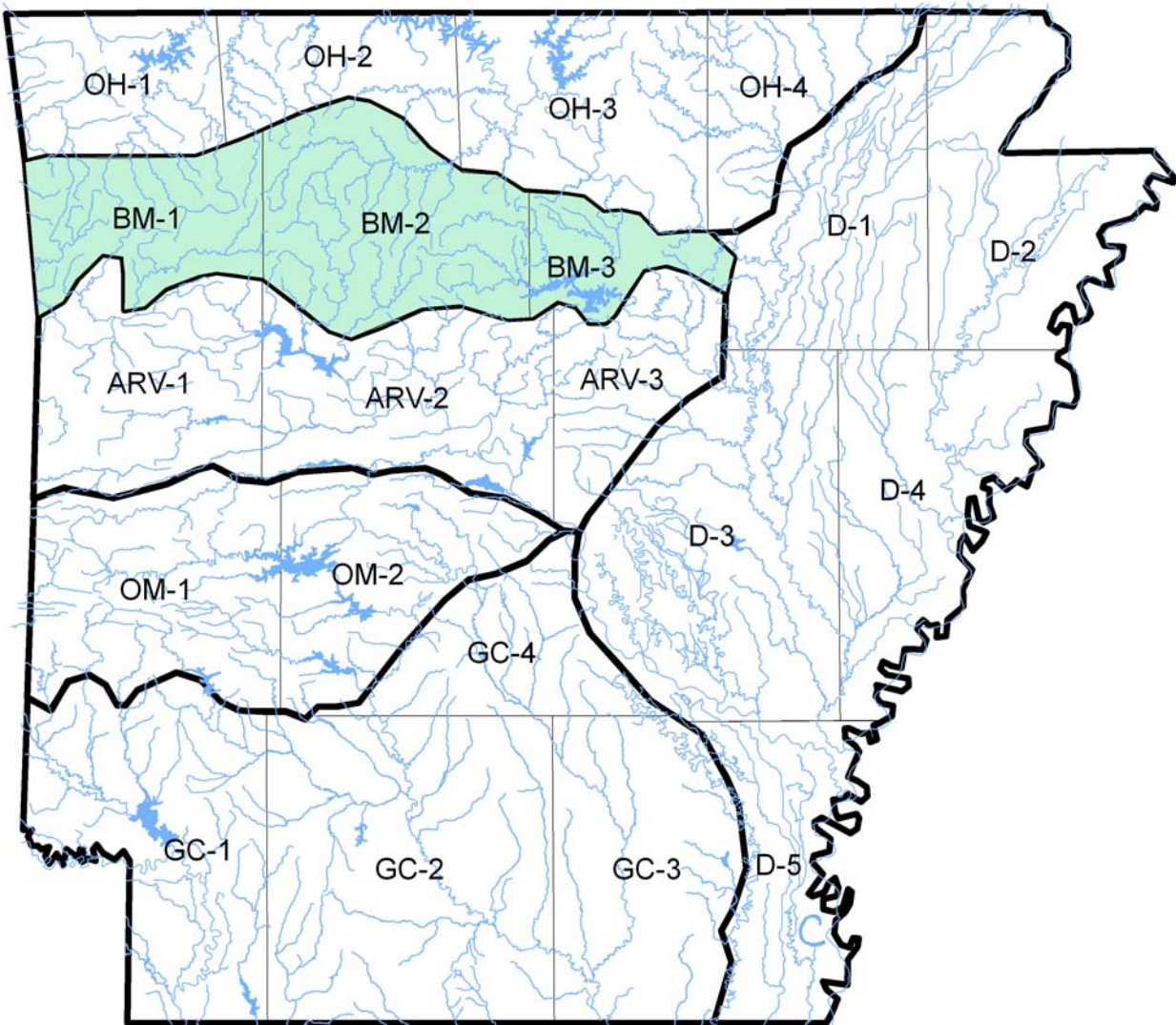


Second Amended Petition

Index to Plates of the Boston Mountains



Index to Plates of the Boston Mountains



Second Amended Petition

DESIGNATED USES: BOSTON MOUNTAINS ECOREGION

(Plates BM-1, BM-2, BM-3)

Extraordinary Resource Waters

~~Devils Fork of Little Red River including Beech Creek, Tomahawk Creek, Turkey Creek, Lick Creek and Raccoon Creek (BM-3)~~

~~Middle Fork of Little Red River above Greers Ferry Reservoir (BM-2, BM-3)~~

Middle and Devils Forks of the Little Red River including Beech Creek, Tomahawk Creek, Turkey Creek, Lick Creek, Raccoon Creek, and Little Raccoon Creek (BM-2, BM-3)

Archey Creek from headwaters to confluence with South Fork Little Red River (BM-2)

Illinois Bayou including North, Middle, and East Forks (BM-2)

Big Piney Creek (BM-2)

Hurricane Creek (BM-2)

Mulberry River (BM-1, BM-2)

Lee Creek from state line upstream to headwaters (BM-1)

Salado Creek (BM-3)

Kings River (BM-1)

Richland Creek and Falling Water Creek (BM-2)

Buffalo River (BM-1, BM-2)

Natural and Scenic Waterways

Mulberry River (BM-1, BM-2)

Buffalo River (BM-1, BM-2)

Kings River (BM-1)

Big Piney Creek (BM-2)*

Hurricane Creek (BM-2)*

Richland Creek (BM-2)*

Ecologically Sensitive Waterbodies

~~Devils, Middle, and South, and Forks~~ Devils Forks of Little Red River including Beech Creek, Tomahawk Creek, Turkey Creek, Lick Creek, Raccoon Creek, Little Raccoon Creek, of Little Red River and Archey Creek above Greers Ferry Reservoir - location of endemic yellowcheek darter and endangered speckled pocketbook mussel (except Devils Fork) (BM-2, BM-3)

Foshee Cave - location of aquatic cave snail (BM-3)

Upper White River - location of longnose darter (BM-1)

Primary Contact Recreation - all streams with watersheds of greater than 10 mi² and all lakes/reservoirs**

Secondary Contact Recreation - all waters**

Domestic, Industrial and Agricultural Water Supply - all waters**

Fisheries Aquatic Life**

Trout

Greers Ferry Reservoir below Narrows (BM-3)

Little Red River below Greers Ferry Dam (BM-3)

Lakes and Reservoirs – all

*As designated in the National Wild and Scenic Rivers System

**Except for those waters with designated use variations supported by UAA or other investigations.

Second Amended Petition

Streams

Seasonal Boston Mountain ~~fishery~~ aquatic life use - all waters with watersheds of less than 10 mi² except as otherwise provided in Reg.2.505
 Perennial Boston Mountain ~~fishery~~ aquatic life use - all waters with 10 mi² watershed or larger and those waters where discharges equal or exceed 1 ~~CFS~~ cfs

Designated Use Variations Supported by UAA

None

SPECIFIC STANDARDS: BOSTON MOUNTAINS ECOREGION

(Plates BM-1, BM-2, BM-3)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)* Trout waters	31 (87.8) 20 (68)	32 (89.6)
Turbidity (NTU) (base/all)	10/19	25/45
Minerals	see Reg. 2.511	see Reg. 2.511
Dissolved Oxygen (mg/l <u>mg/L</u>)**	<u>Pri.</u> <u>Crit</u>	see Reg. 2.505
<10 mi ² watershed	6 2	
10 mi ² and greater	6 6	
Trout waters	6 6	
All other standards	(same as statewide)	

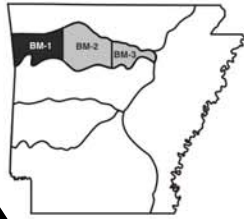
Specific Standards Variations Supported by UAA

None


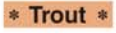



*Increase over natural temperatures may not be more than 2.8°C (5°F).

**At water temperatures ≤10°C or during March, April and May when stream flows are 15 ~~CFS~~ cfs and greater, the primary season ~~D-O~~ dissolved oxygen standard will be 6.5 ~~mg/l~~ mg/L. When water temperatures exceed 22°C, the critical season ~~D-O~~ dissolved oxygen standard may be depressed by 1 ~~mg/l~~ mg/L for no more than 8 hours during a 24-hour period.

Second Amended Petition Plate BM-1 (Boston Mountains)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

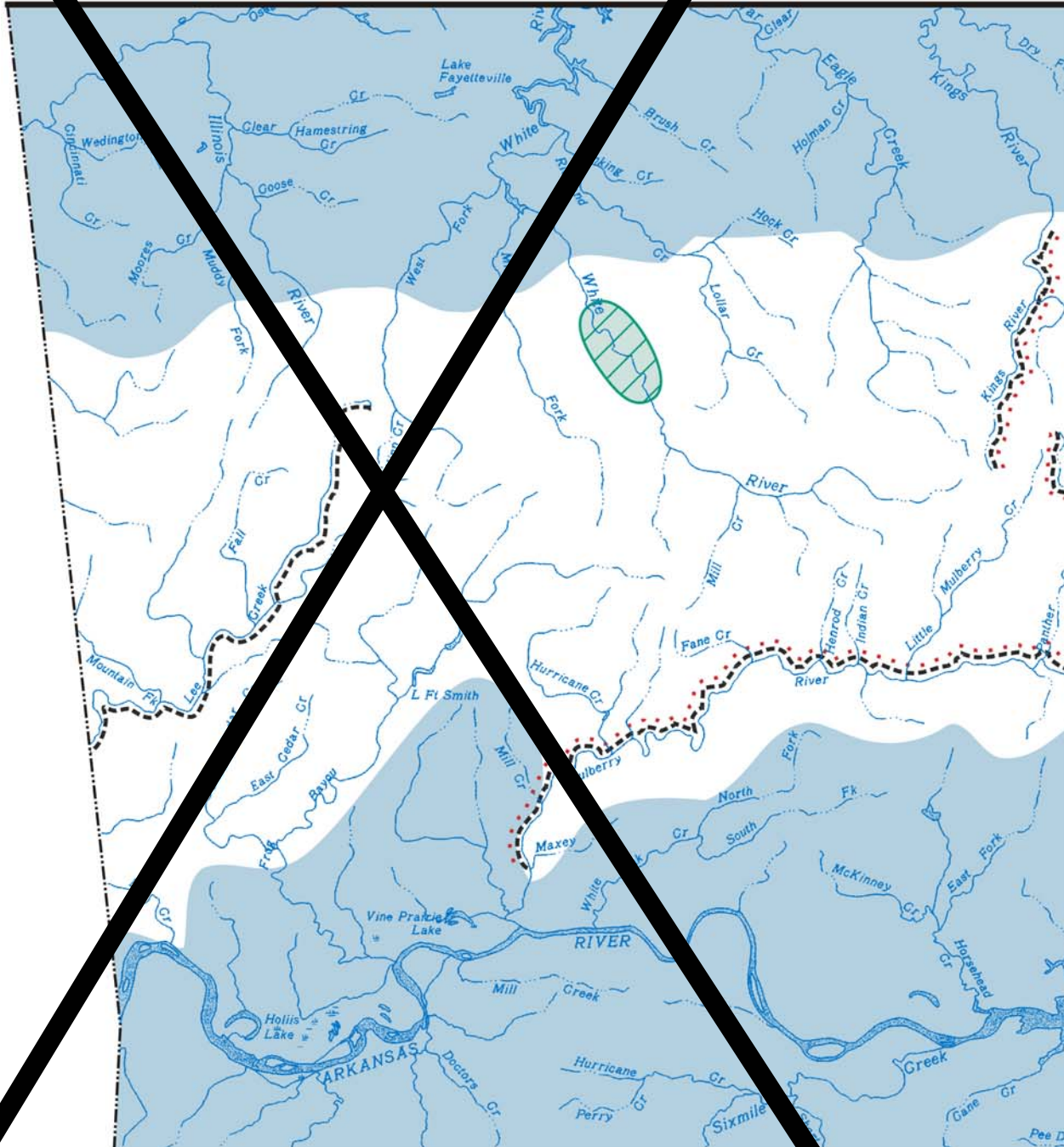
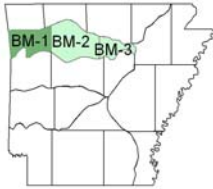


Plate BM-1 (Boston Mountains)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

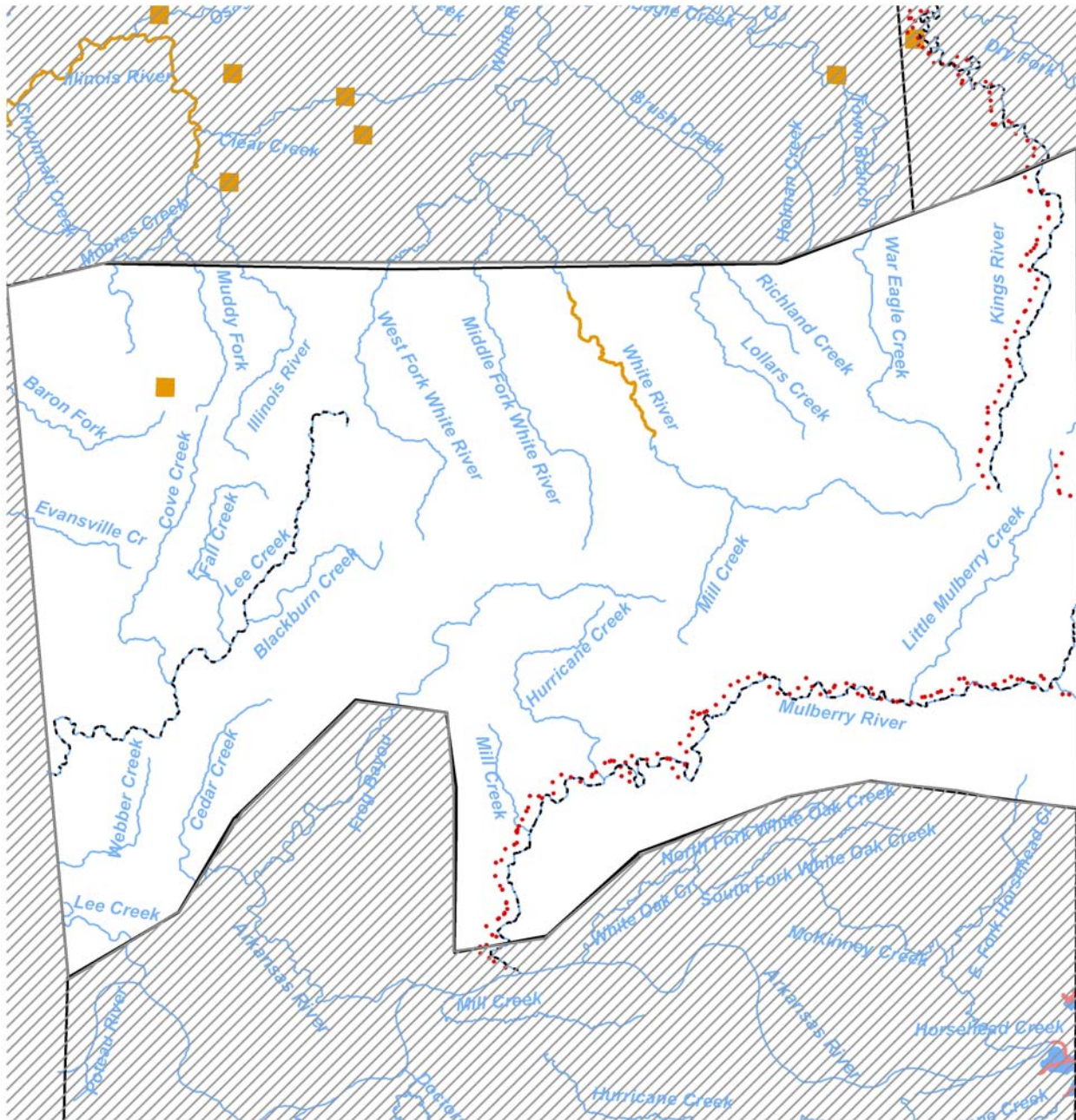
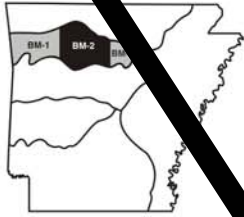





Plate BM-2 (Boston Mountains)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

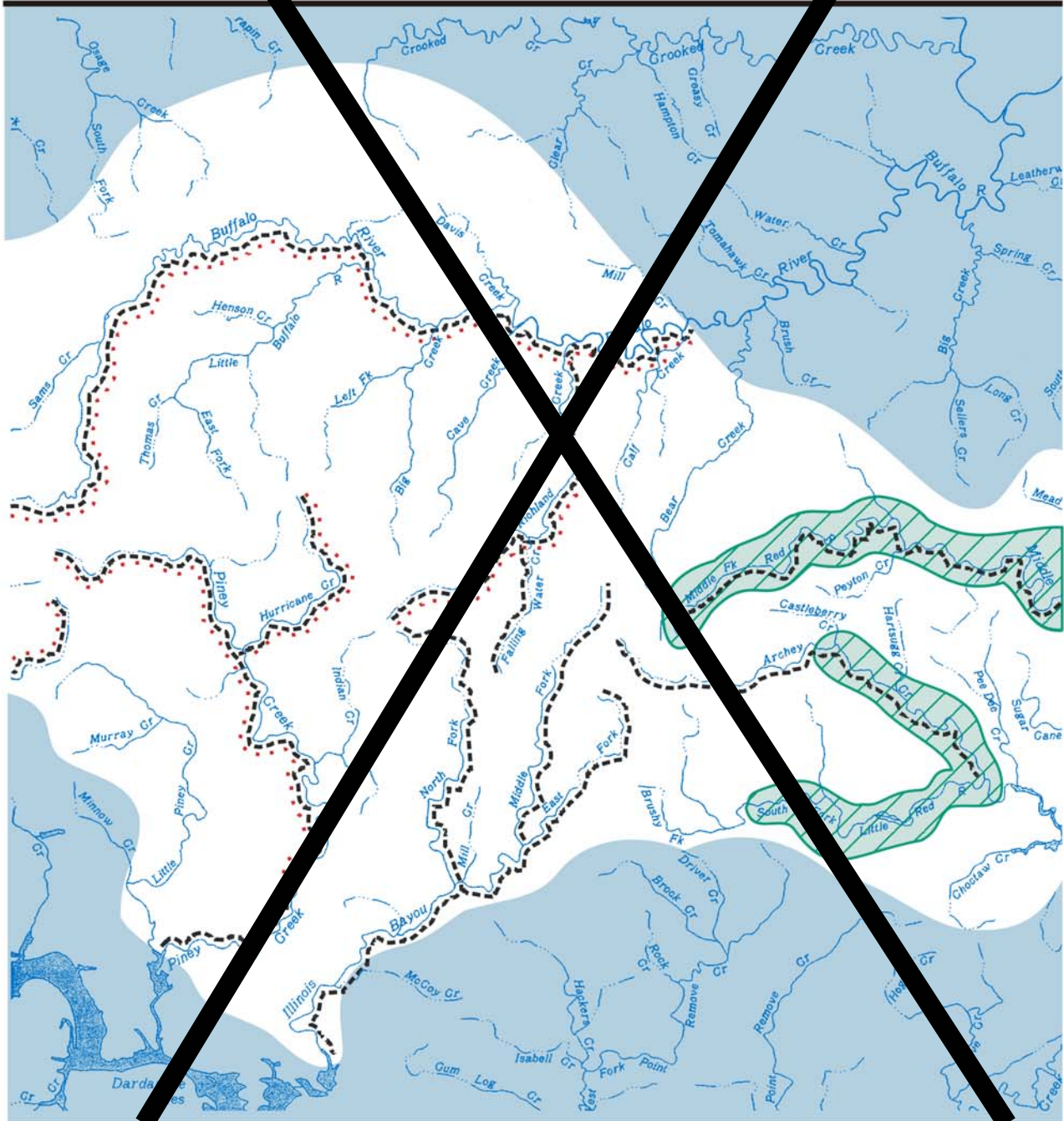
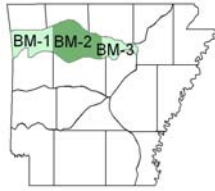


Plate BM-2 (Boston Mountains)



LEGEND	
---	Extraordinary Resource Waters
•••	Natural and Scenic Waterways
—	Variation by UAA
■	Ecologically Sensitive Waterbodies
■	ESW Caves, Springs, and Seeps
—	Trout_Waters

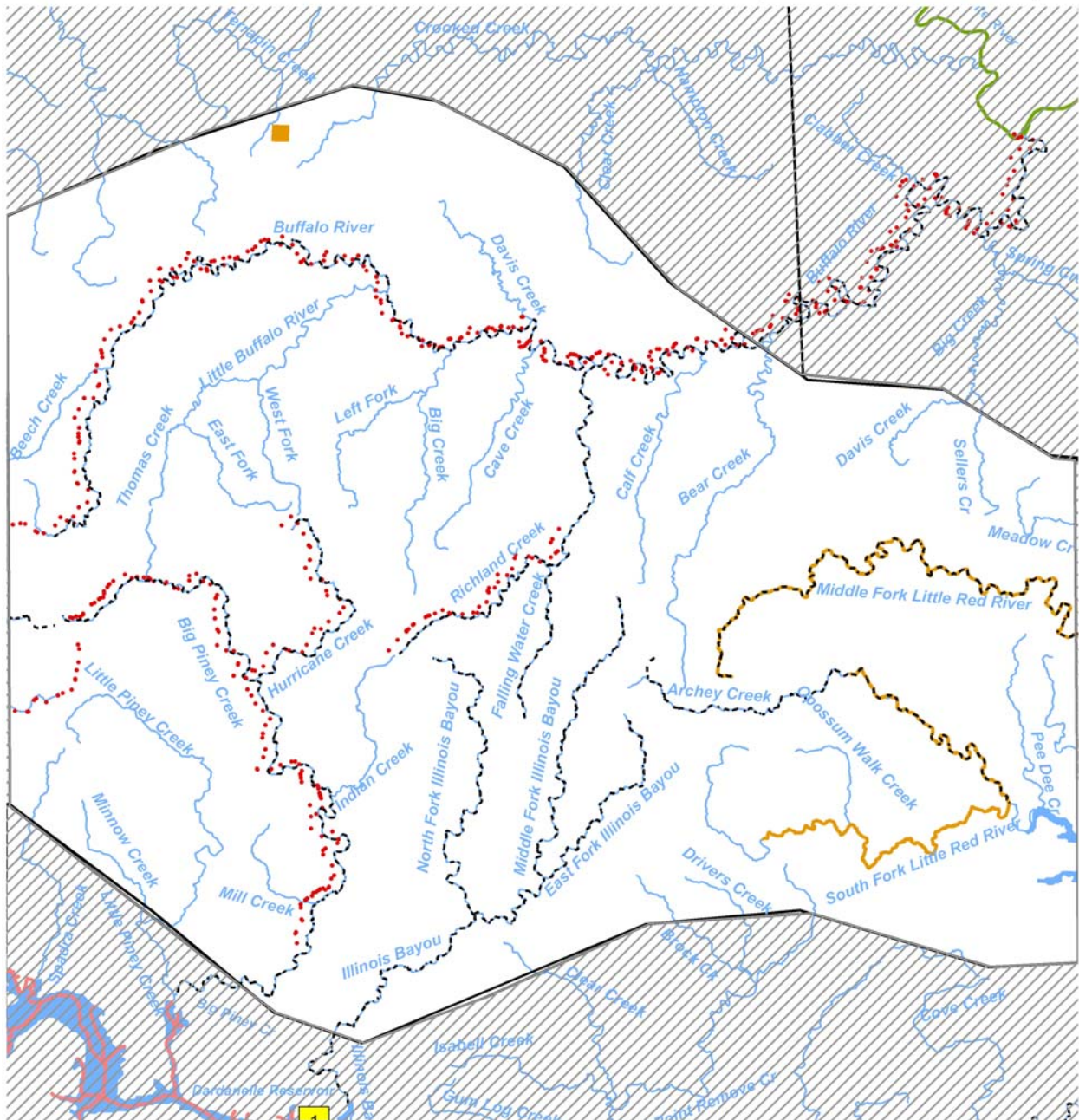







Plate BM-3 (Boston Mountains)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

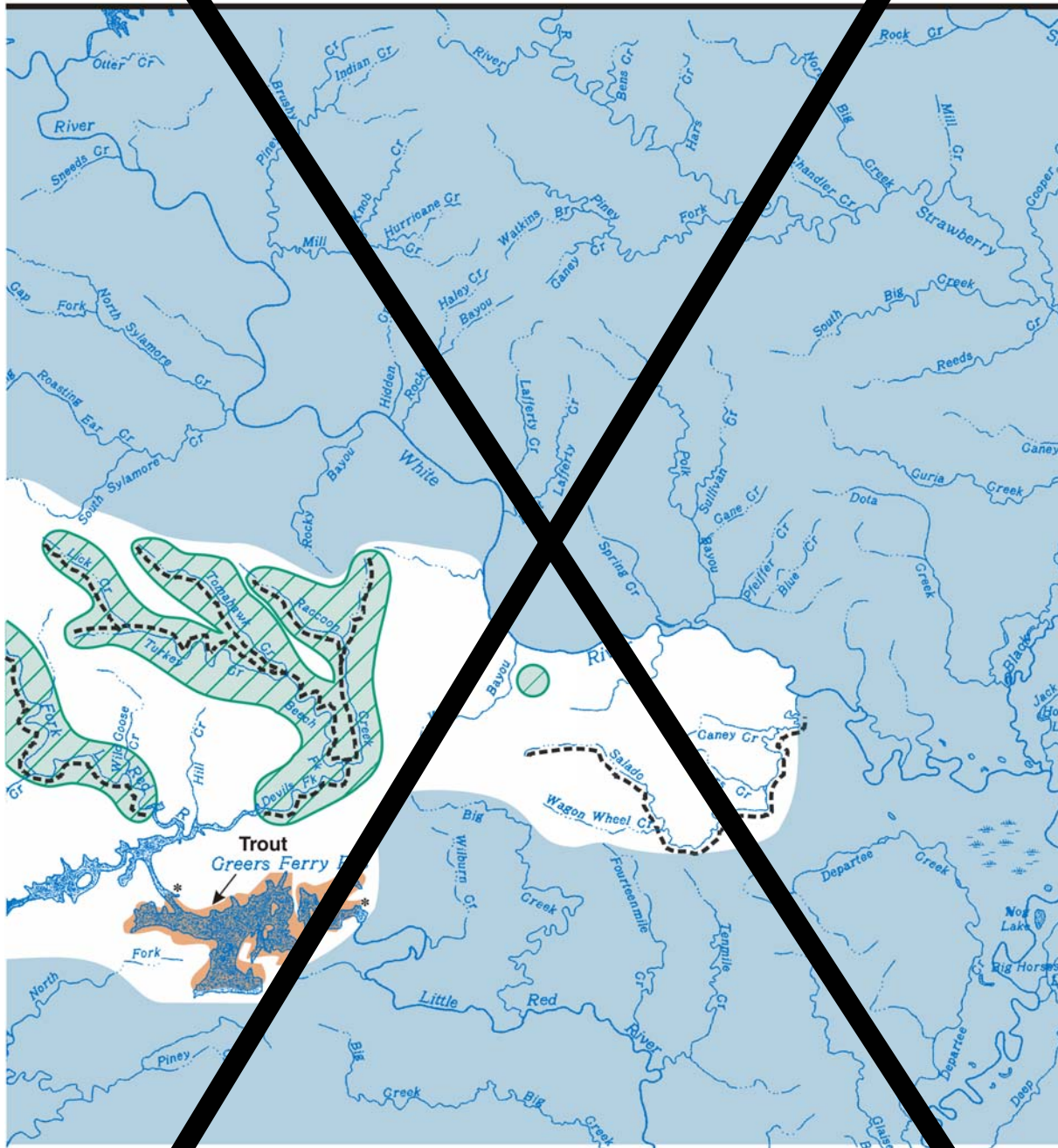
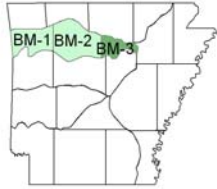
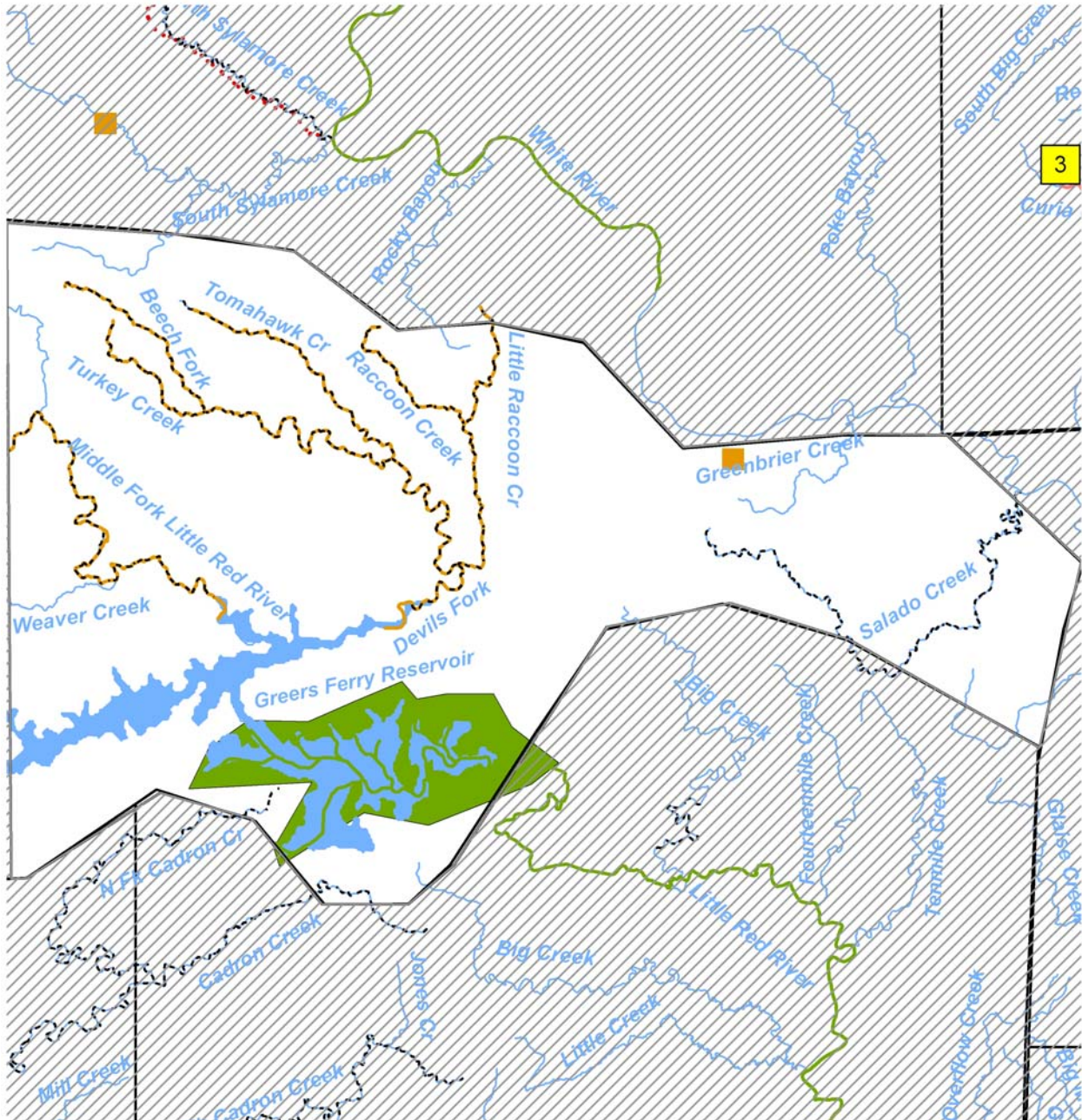


Plate BM-3 (Boston Mountains)

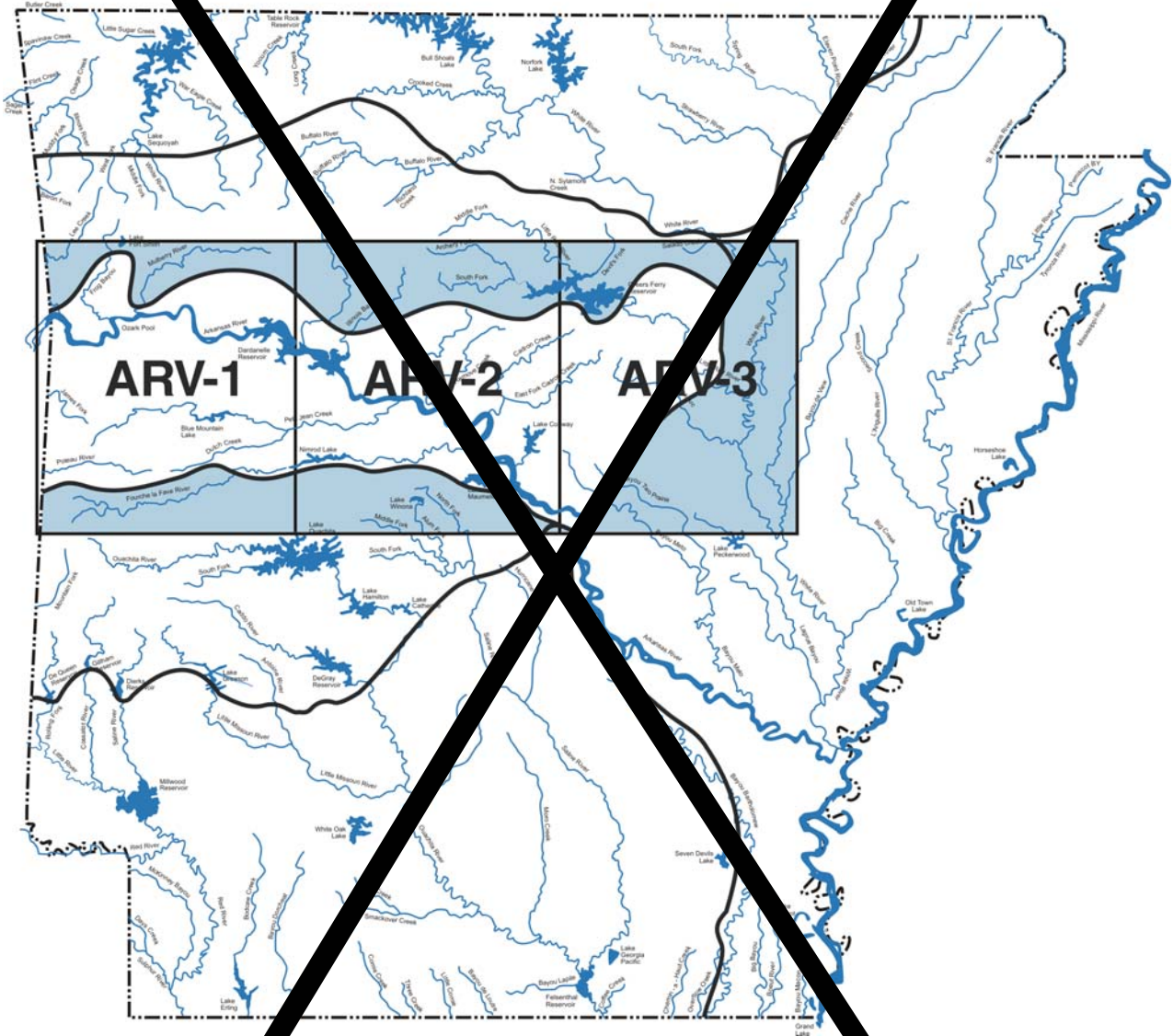


LEGEND

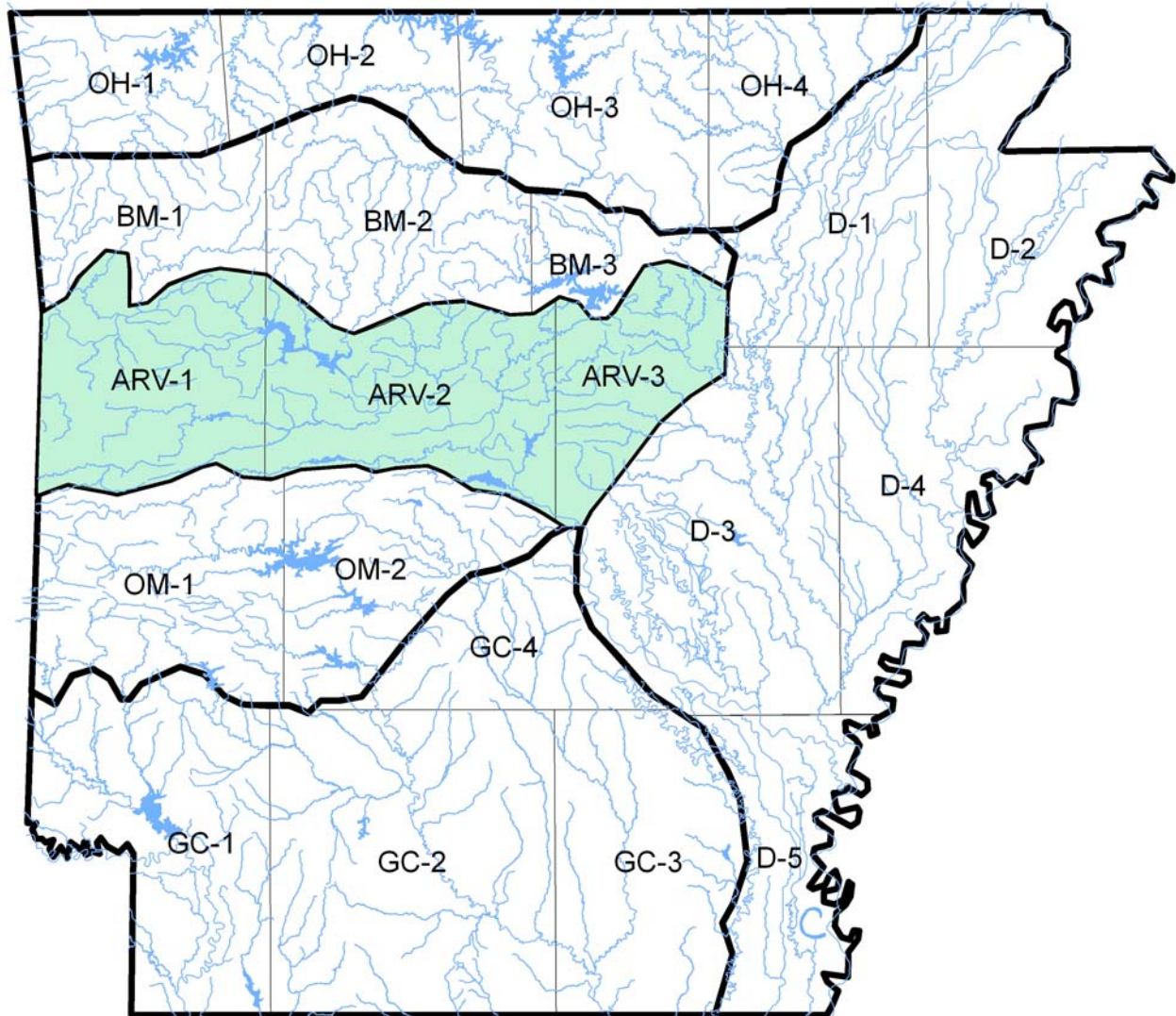
- - - Extraordinary Resource Waters
- • • Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters



Index to Plates of the Arkansas River Valley



Index to Plates of the Arkansas River Valley



Second Amended Petition

DESIGNATED USES: ARKANSAS RIVER VALLEY ECOREGION

(Plates ARV-1, ARV-2, ARV-3)

Extraordinary Resource Waters

Cadron Creek including North Fork and East Fork (ARV-2, ARV-3)

Mulberry River (ARV-1)

Big Creek adjacent to natural areas (ARV-3)

Natural and Scenic Waterway

Mulberry River (ARV-1)

Ecologically Sensitive Waterbodies

None

Primary Contact Recreation - all streams with watersheds of greater than 10 mi² and all lakes/reservoirs**

Secondary Contact Recreation - all waters**

Domestic, Industrial and Agricultural Water Supply - all waters**

Fisheries Aquatic Life**

Trout

Little Red River below Greers Ferry Dam to Searcy (ARV-3)

Lakes and Reservoirs - all

Streams

Seasonal Arkansas River Valley ~~fishery~~ aquatic life use - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Arkansas River Valley ~~fishery~~ aquatic life use - all streams with watersheds of 10 mi² or larger and those waters where discharges equal or exceed 1 ~~CFS~~ cfs

Designated Use Variations Supported by UAA

Poteau River from Business Highway 71 to Stateline - no domestic water supply use (ARV-1, #2)

Unnamed trib to Poteau River at Waldron - no domestic water supply use (ARV-1, #3)

**Except for those waters with designated use variations supported by UAA or other investigations.

Second Amended Petition

SPECIFIC STANDARDS: ARKANSAS RIVER VALLEY ECOREGION

(Plates ARV-1, ARV-2, ARV-3)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	31 (87.8)	32 (89.6)
Trout waters	20 (68)	
Arkansas River	32 (89.6)	
Turbidity(NTU) (base/all)	21/40	25/45
Arkansas River)(base/all)	50/52	
Minerals	see Reg. 2.511	see Reg. 2.511
Dissolved Oxygen (mg/l <u>mg/L</u>)**	<u>Pri.</u> <u>Crit.</u>	see Reg. 2.505
<10 mi ² watershed	5 2	
10 to 150 mi ²	5 3	
151 mi ² to 400 mi ²	5 4	
>400 mi ² watershed	5 5	
Trout waters	6 6	
All other standards	(same as statewide)	

Specific Standards Variations Supported by UAA

Dardanelle Reservoir - maximum temperature 35°C (95°F) (limitation of 2.8°C above natural temperature does not apply) (ARV-2, #1)

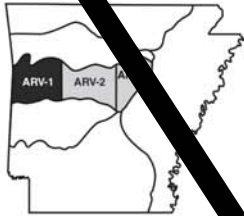
Poteau River from Business Highway 71 to Stateline - chlorides 120 ~~mg/l~~ mg/L; sulfates 60 ~~mg/l~~ mg/L; ~~TDS~~ total dissolved solids 500 ~~mg/l~~ mg/L (ARV-1, #2)

Unnamed trib to Poteau River at Waldron - chlorides 150 ~~mg/l~~ mg/L; sulfates 70 ~~mg/l~~ mg/L; ~~TDS~~ total dissolved solids 660 ~~mg/l~~ mg/L (ARV-1, #3)


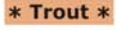



*Increase over natural temperatures may not be more than 2.8°C (5°F).

**At water temperatures ≤10°C or during March, April and May when stream flows are 15 ~~CFS~~ cfs and greater, the primary season ~~D.O.~~ dissolved oxygen standard will be 6.5 ~~mg/l~~ mg/L. When water temperatures exceed 22°C, the critical season ~~D.O.~~ dissolved oxygen standard may be depressed by 1 ~~mg/l~~ mg/L for no more than 8 hours during a 24-hour period.

Plate ARV-1 (Arkansas River Valley)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by JAA

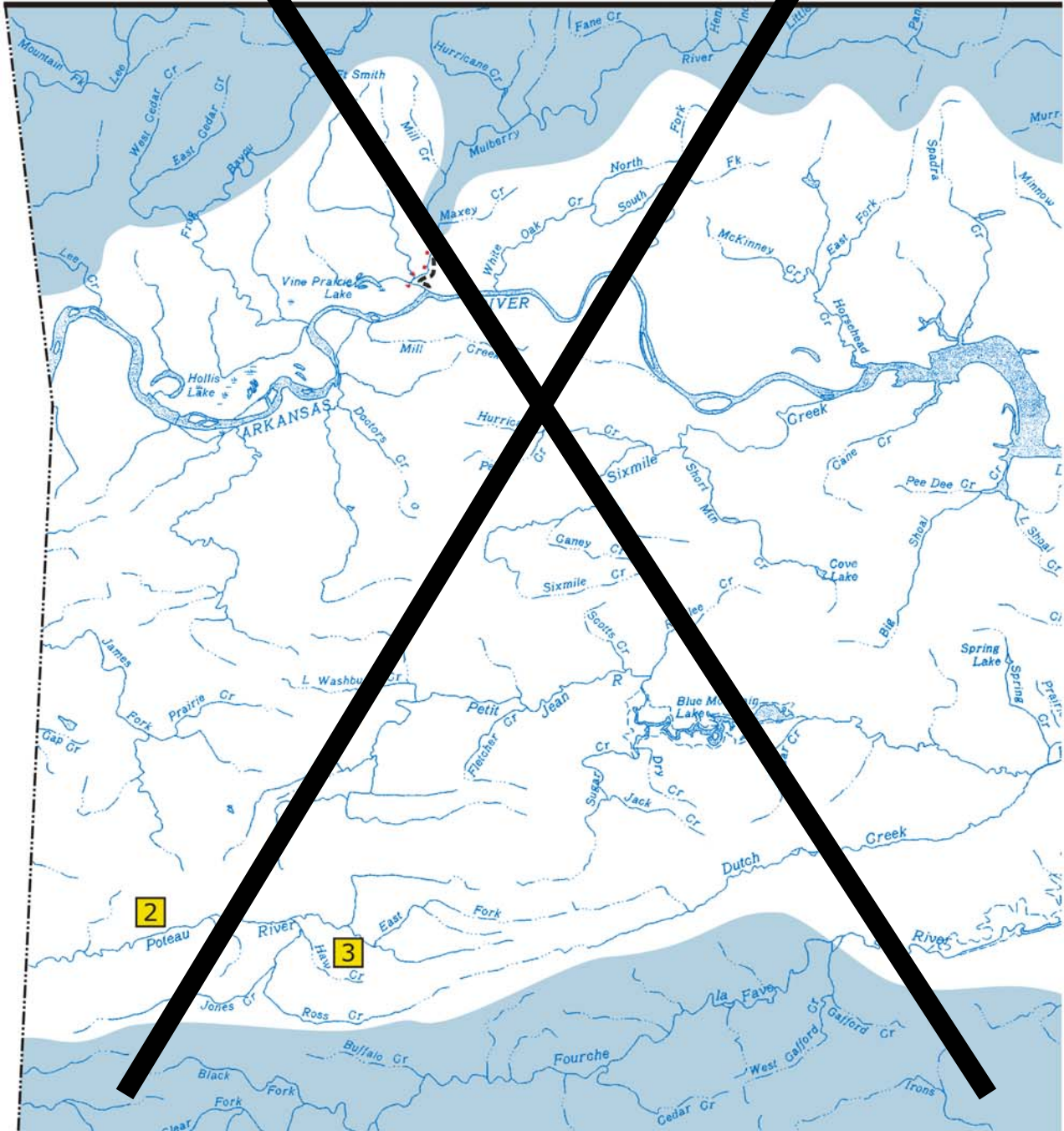


Plate ARV-1 (Arkansas River Valley)



LEGEND

- - - Extraordinary Resource Waters
- • • Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

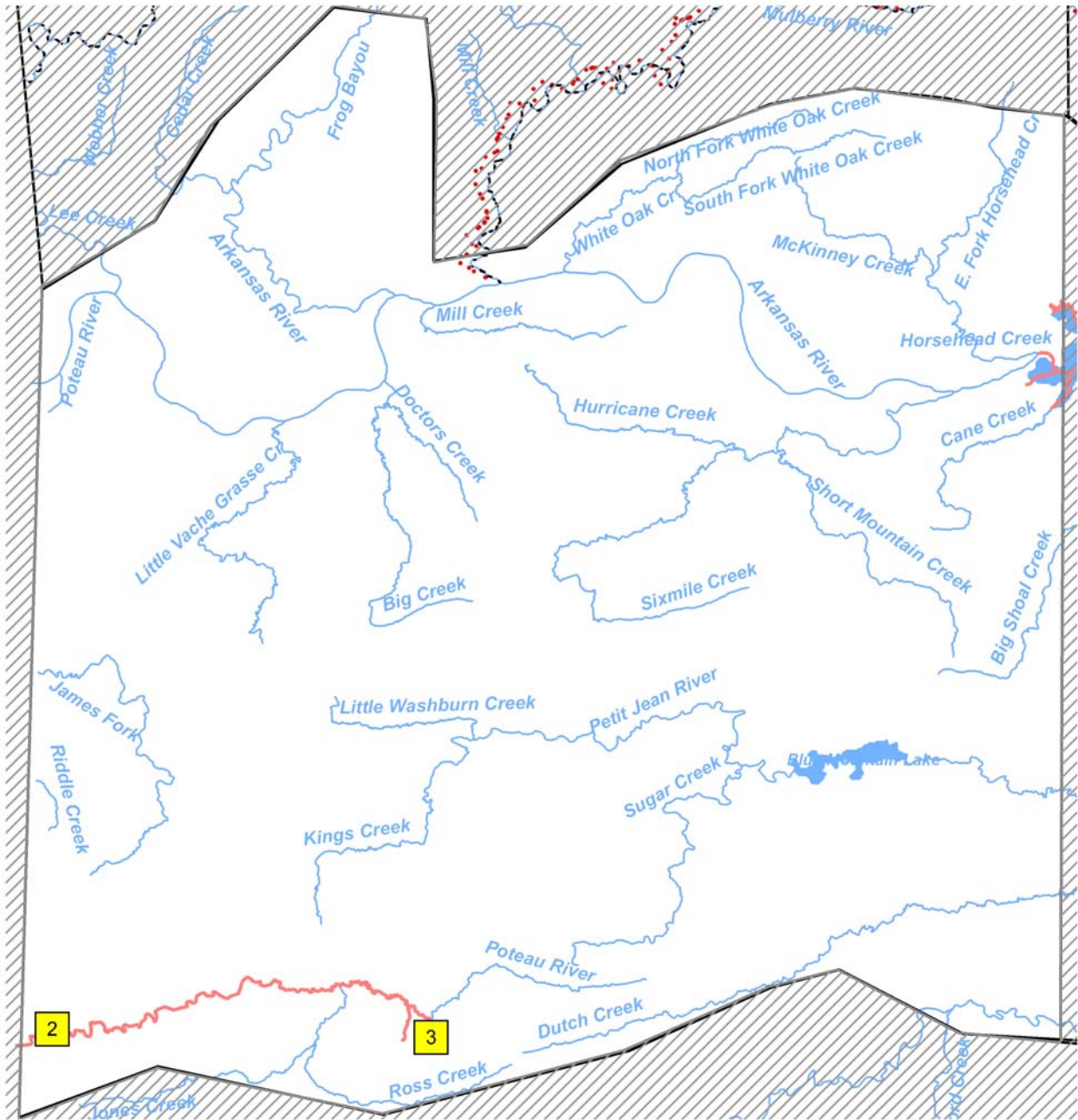


Plate ARV-2 (Arkansas River Valley)



LEGEND

-  - Ecologically Sensitive Watersheds
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

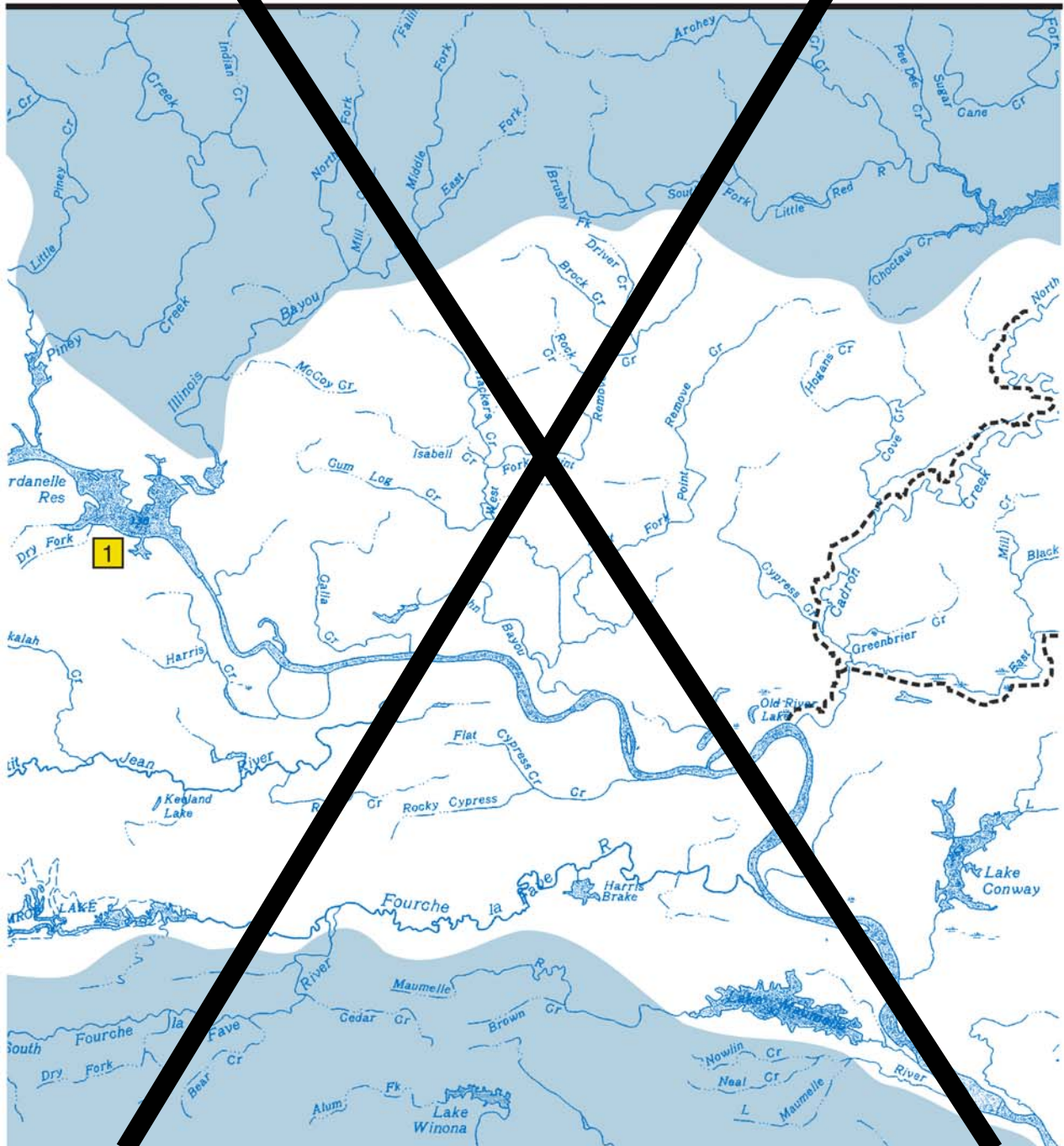


Plate ARV-2 (Arkansas River Valley)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

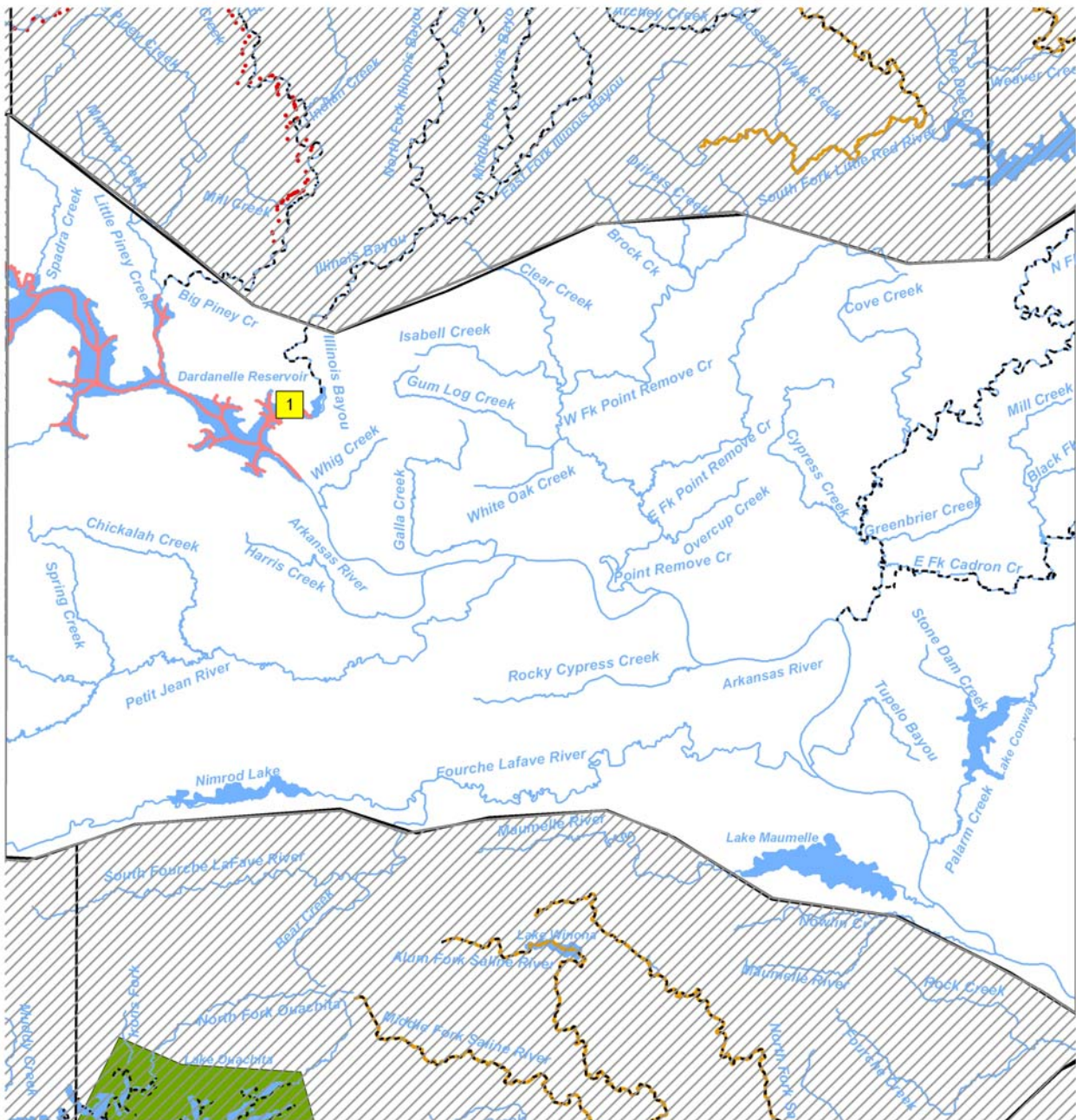







Plate ARV-3 (Arkansas River Valley)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by TAA

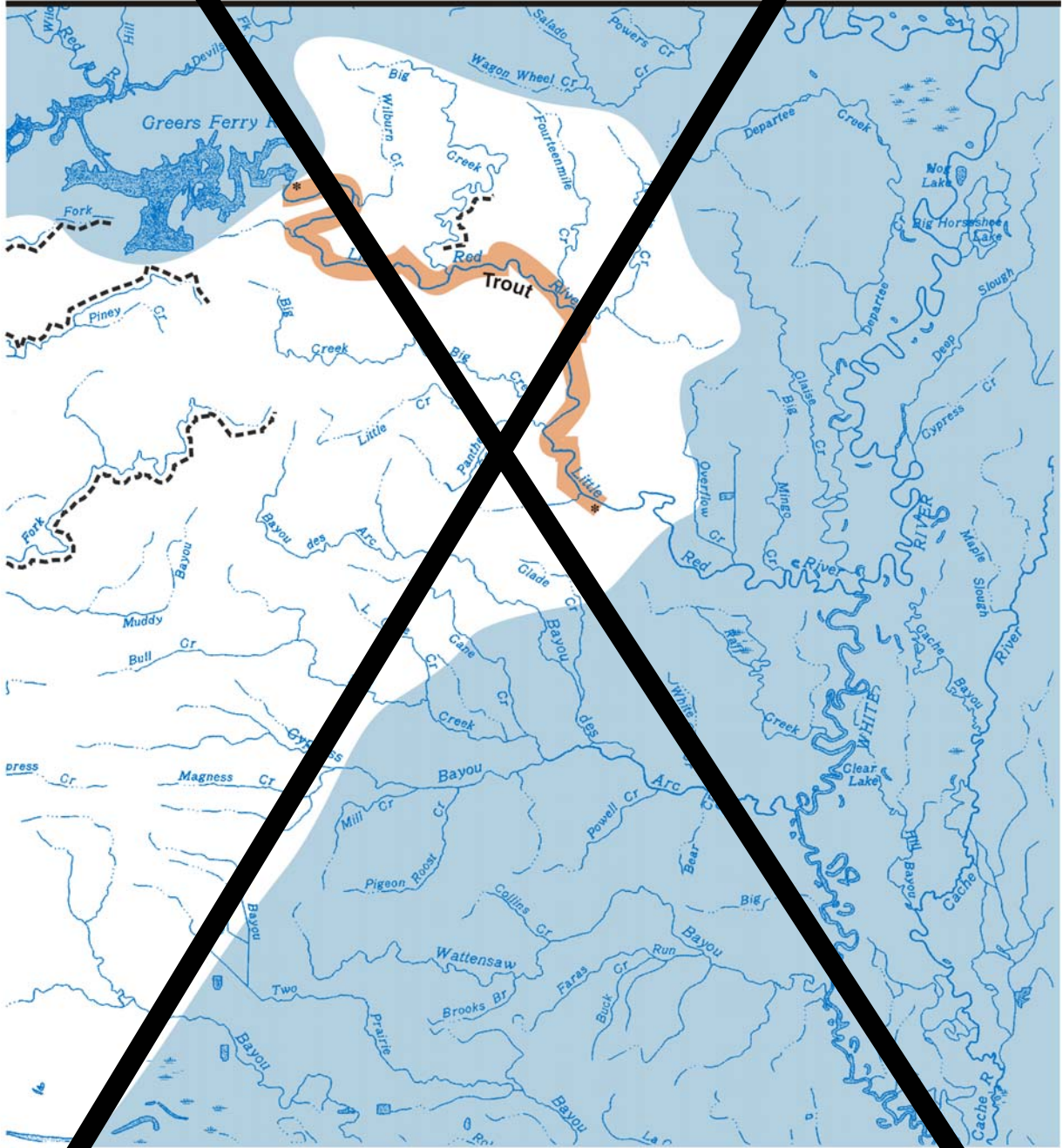
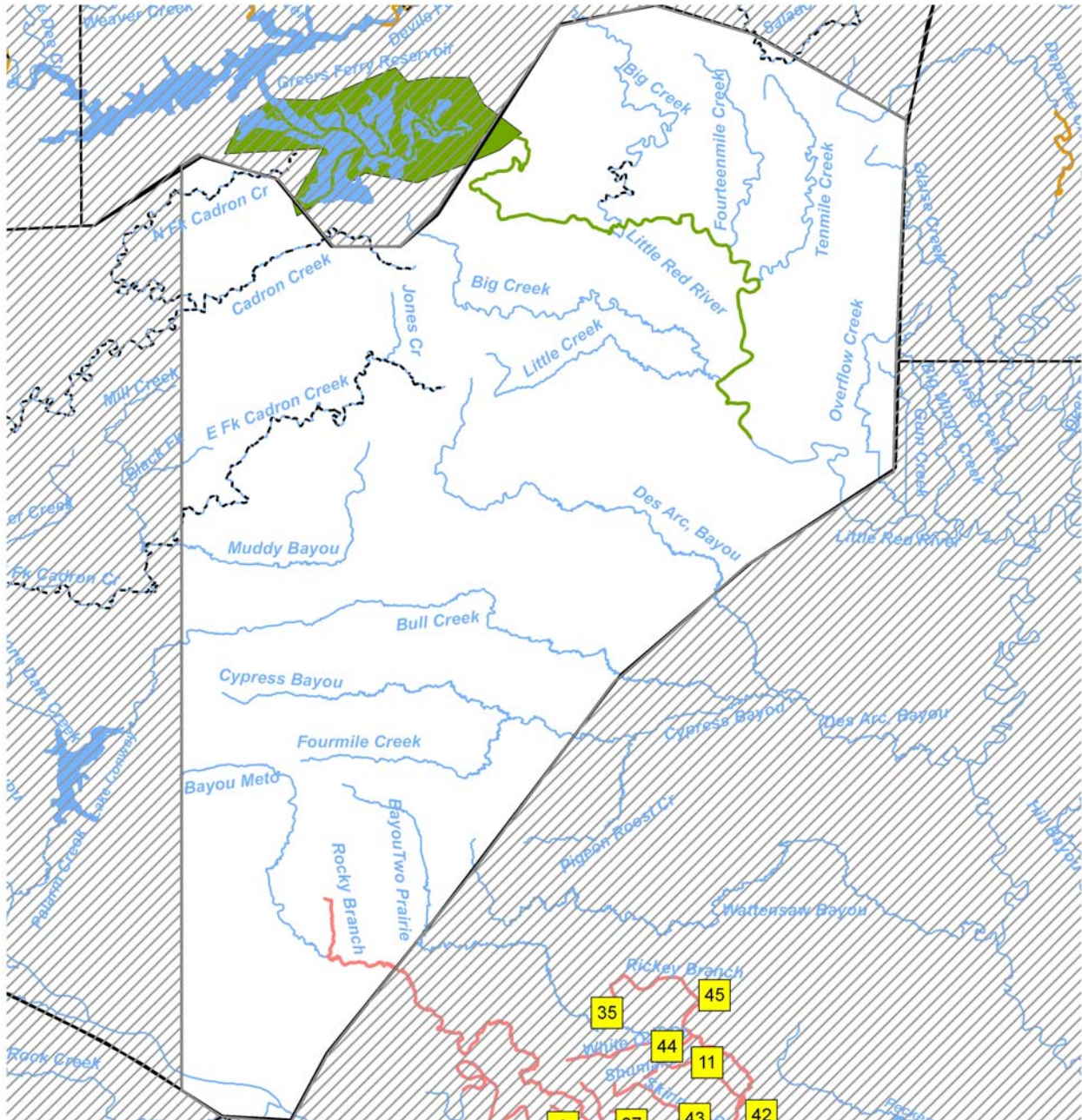


Plate ARV-3 (Arkansas River Valley)

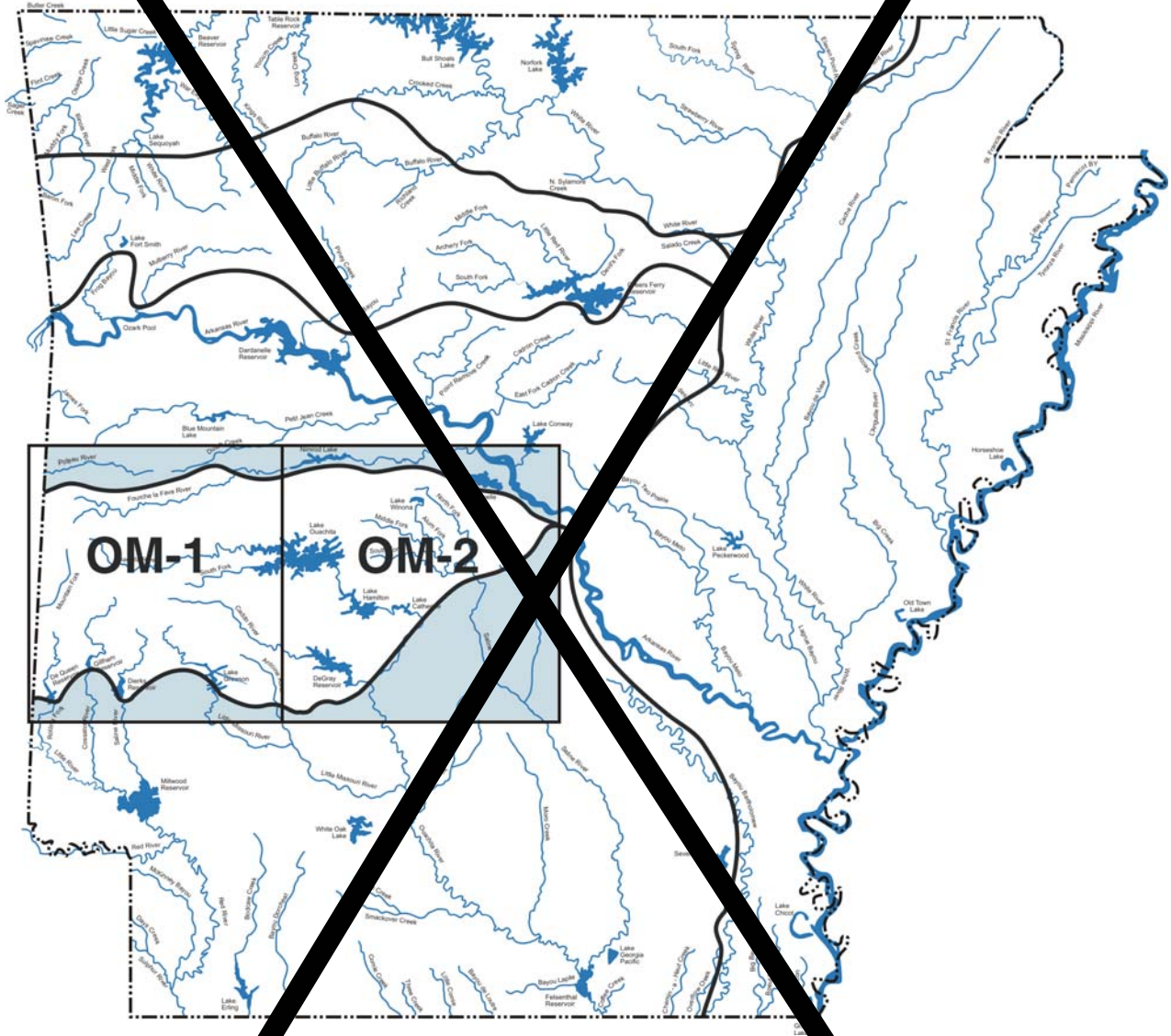


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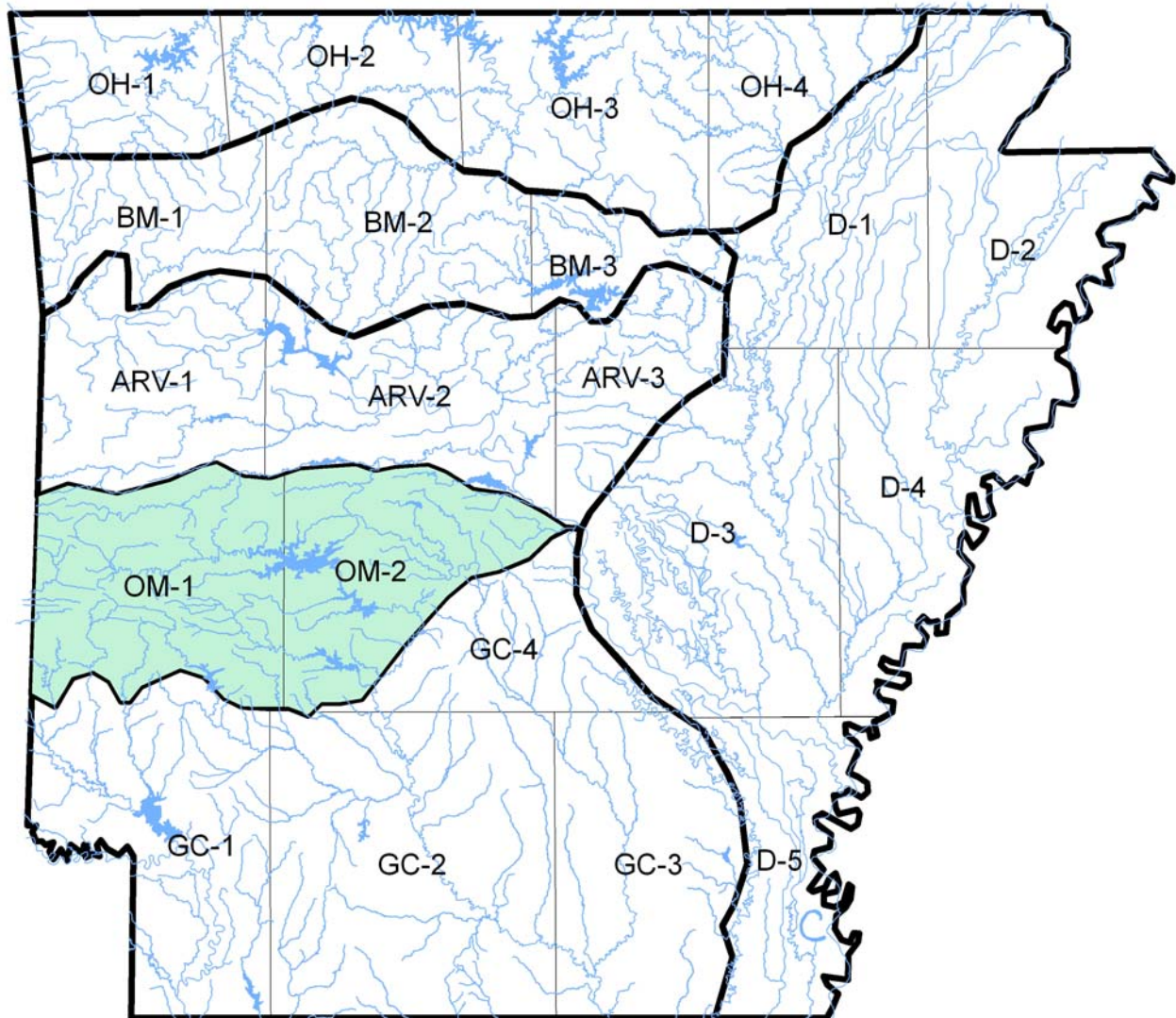
- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters



Index to Plates of the Ouachita Mountains



Index to Plates of the Ouachita Mountains



Second Amended Petition

DESIGNATED USES: OUACHITA MOUNTAIN ECOREGION (Plates OM-1, OM-2)

Extraordinary Resource Waters

Lake Ouachita (OM-1, OM-2)
DeGray Reservoir (OM-2)
Saline River - entire segment including North, Alum, Middle, and South Forks (OM-2)
Caddo River - above DeGray Reservoir (OM-1, OM-2)
South Fork Caddo River (OM-1)
Cossatot River - above Gillham Reservoir (OM-1)
Caney Creek (OM-1)
Little Missouri River - above Lake Greeson (OM-1)
Mountain Fork River (OM-1)
Big Fork Creek - adjacent to natural area (OM-1)

Natural and Scenic Waterway

Cossatot River above Gillham Reservoir (OM-1)
Little Missouri River above Lake Greeson (OM-1)
Brushy Creek (OM-1)*

Ecologically Sensitive Waterbodies

Ouachita River above Lake Ouachita - location of Caddo madtom, longnose darter, peppered shiner and threatened Arkansas Fatmucket mussel (OM-1)
South Fork Ouachita River - location of Arkansas fatmucket mussel and Caddo madtom (OM-1)
Caddo River and all tributaries above DeGray Reservoir - location of endemic paleback darter, Caddo madtom and threatened Arkansas Fatmucket mussel (OM-1, OM-2)
Mountain Fork River - location of threatened leopard darter (OM-1)
Cossatot River above Gillham Reservoir - location of threatened leopard darter (OM-1)
Saline River including Alum, Middle, North, and South Forks, and Ten Mile Creek - location of endemic Ouachita madtom and threatened Arkansas Fatmucket mussel (except South Fork and Ten Mile Creek)(OM-2)
Little Missouri River above Lake Greeson - location of Caddo madtom
Mayberry Creek (trib to Hallman's Creek) - location of paleback darter (OM-2)
Robinson Creek - location of threatened leopard darter (OM-1)

Primary Contact Recreation - all streams with watersheds of greater than 10 mi² and all lakes/reservoirs**

Secondary Contact Recreation - all waters**

Domestic, Industrial and Agricultural Water Supply - all waters**

Fisheries Aquatic Life**

Trout

Lake Ouachita (lower portion) (OM-2)
Ouachita River from Blakely Mt. Dam to Hwy. 270 bridge (OM-2)

Lakes and Reservoirs – all

*As designated in the National Wild and Scenic Rivers System.

**Except for those waters with designated use variations supported by UAA or other investigations.

Fisheries Aquatic Life**

Streams

Second Amended Petition

Seasonal Ouachita Mountain Ecoregion ~~fishery aquatic life use~~ - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Ouachita Mountain Ecoregion ~~fishery aquatic life use~~ - all streams with watershed of 10 mi² or larger and those waters where discharges equal or exceed 1 ~~CFS cfs~~

Designated Use Variations Supported by UAA

Rolling Fork from unnamed trib A at Grannis to DeQueen Reservoir - no domestic water supply use (OM-1, #2)

Unnamed tributaries A and A1 at Grannis - no domestic water supply use (OM-1, #3)

SPECIFIC STANDARDS: OUACHITA MOUNTAIN ECOREGION

(Plates OM-1, OM-2)

	<u>Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	30 (86)	32 (89.6)
Trout waters	20 (68)	
Turbidity (NTU) (base/all)	10/18	25/45
Minerals	see Reg. 2.511	see Reg. 2.511
Dissolved Oxygen (mg/l mg/L)**	<u>Pri.</u> <u>Crit</u>	see Reg. 2.505
<10 mi ² watershed	6 2	
10 mi ² and greater	6 6	
Trout waters	6 6	
All other standards	(same as statewide)	

Specific Standards Variations Supported by UAA

Prairie Creek from headwaters to confluence with Briar Creek - critical season dissolved oxygen ~~standard~~ 4 ~~mg/l~~ mg/L (OM-1, #1)

Rolling Fork from unnamed trib A to DeQueen Reservoir - chlorides 130 ~~mg/l~~ mg/L; sulfates 70 ~~mg/l~~ mg/L; ~~TDS total dissolved solids~~ 670 ~~mg/l~~ mg/L (OM-1, #2)

Unnamed tributaries A and A1 at Grannis - chlorides 135 ~~mg/l~~ mg/L; sulfates 70 ~~mg/l~~ mg/L; ~~TDS total dissolved solids~~ 700 ~~mg/l~~ mg/L (OM-1, #3)

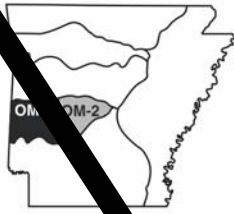
South Fork Caddo River - sulfates 60 ~~mg/l~~ mg/L (OM-1, #4)

Back Valley Creek - sulfates 250 ~~mg/l~~ mg/L; total dissolved solids 500 ~~mg/l~~ mg/L (OM-1, #5)


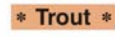



*Increase over natural temperatures may not be more than 2.8°C (5°F).

**At water temperatures ≤10°C or during March, April and May when stream flows are 15 ~~CFS cfs~~ and greater, the primary season ~~D-O dissolved oxygen~~ standard will be 6.5 ~~mg/l~~ mg/L. When water temperatures exceed 22°C, the critical season ~~D-O dissolved oxygen~~ standard may be depressed by 1 ~~mg/l~~ mg/L for no more than 8 hours during a 24-hour period.

Plate OM-1 (Ouachita Mountains)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by PCA

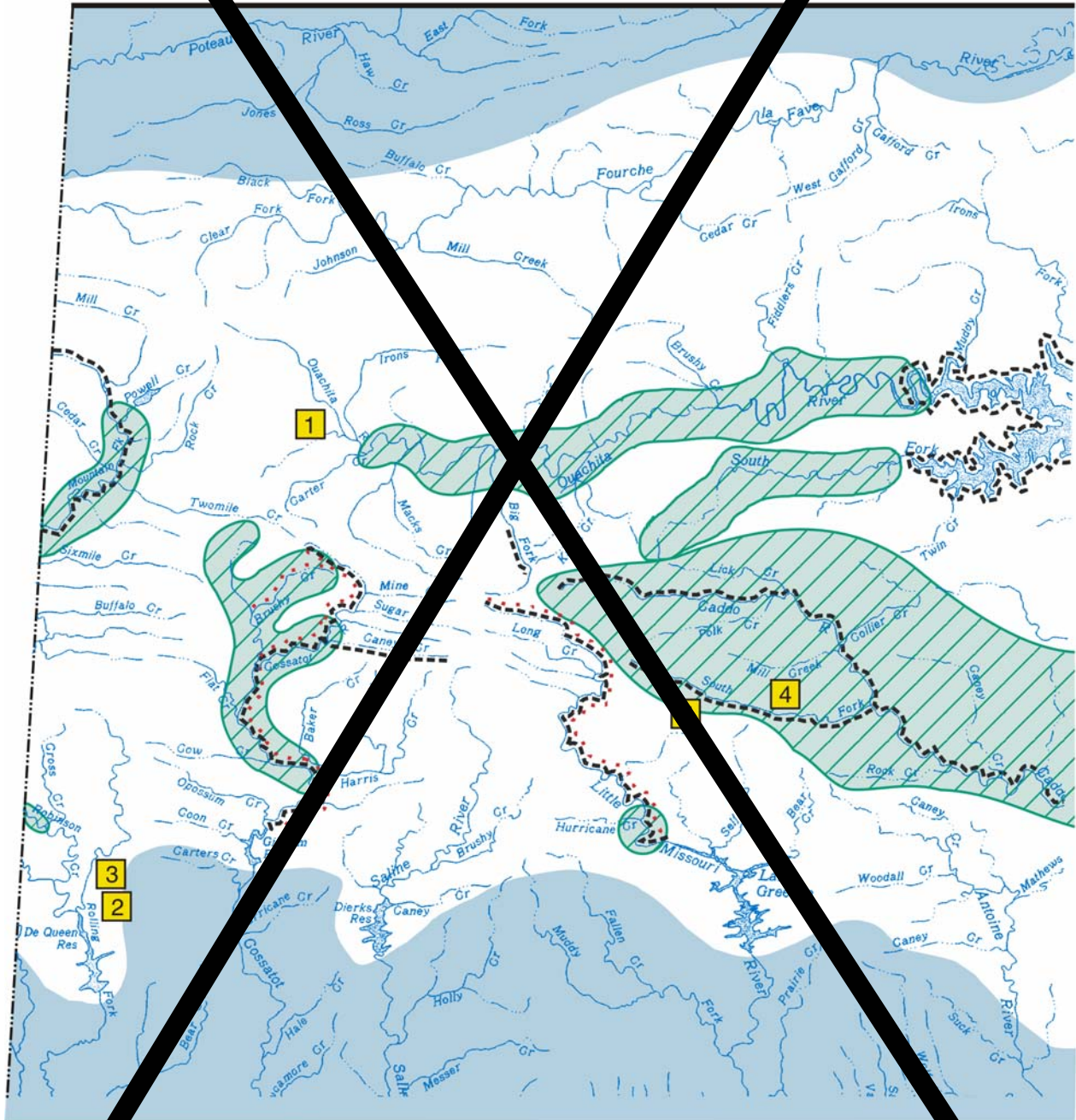


Plate OM-1 (Ouachita Mountains)



LEGEND

- - - Extraordinary Resource Waters
- • • Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

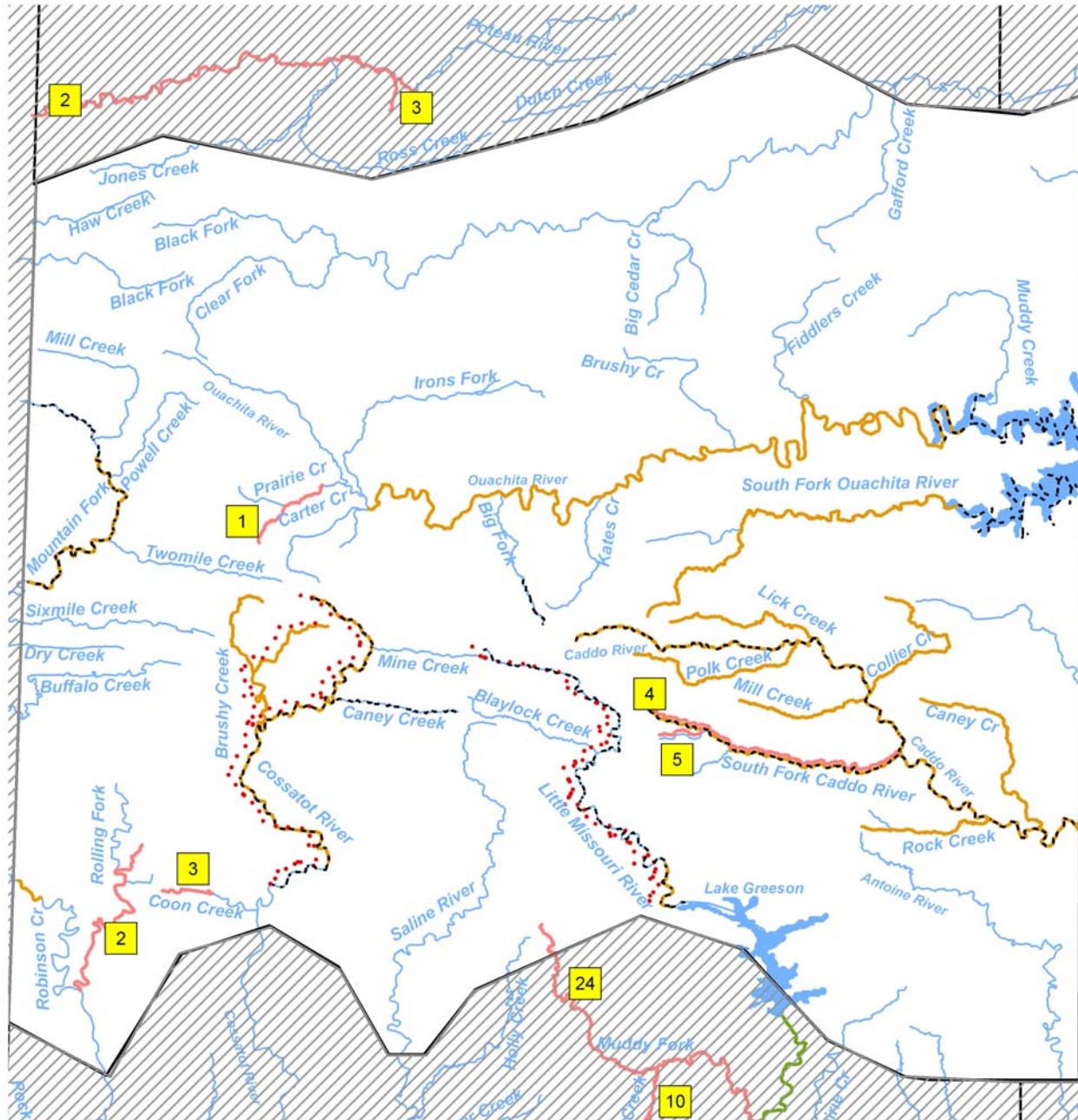
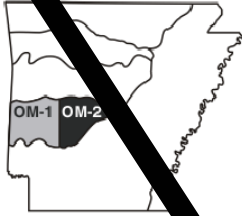

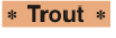





Plate OM-2 (Ouachita Mountains)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UA

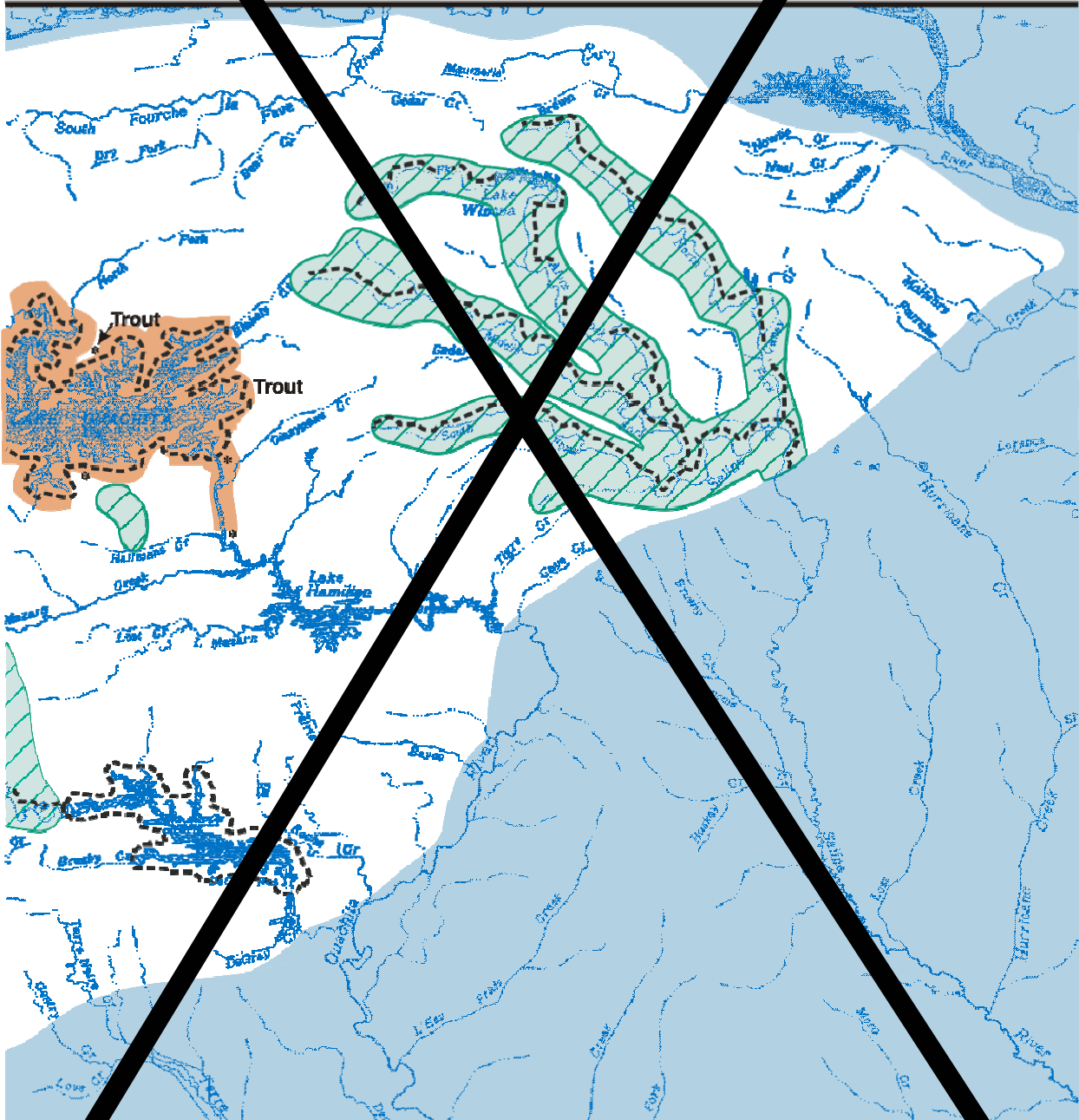
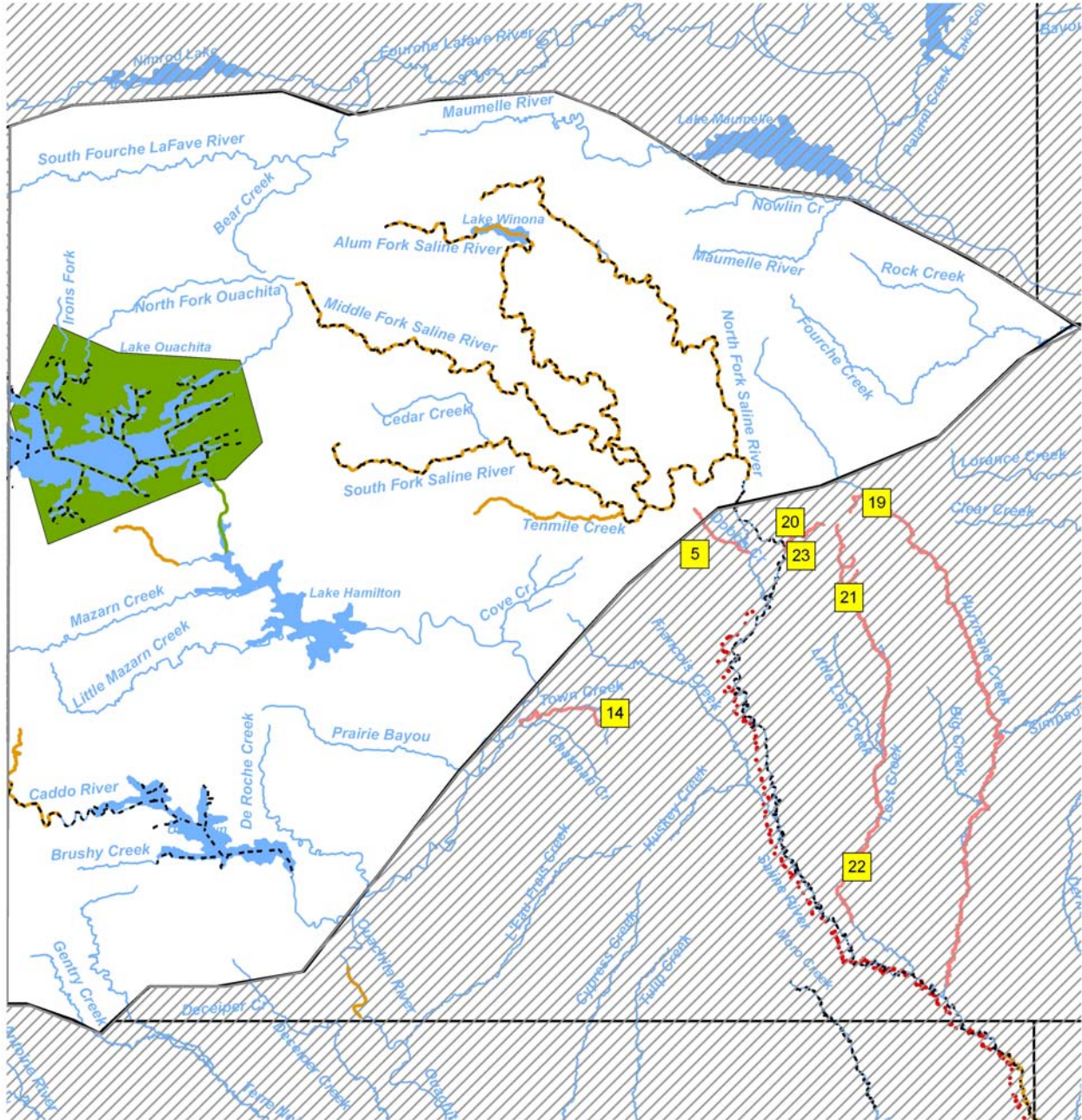


Plate OM-2 (Ouachita Mountains)

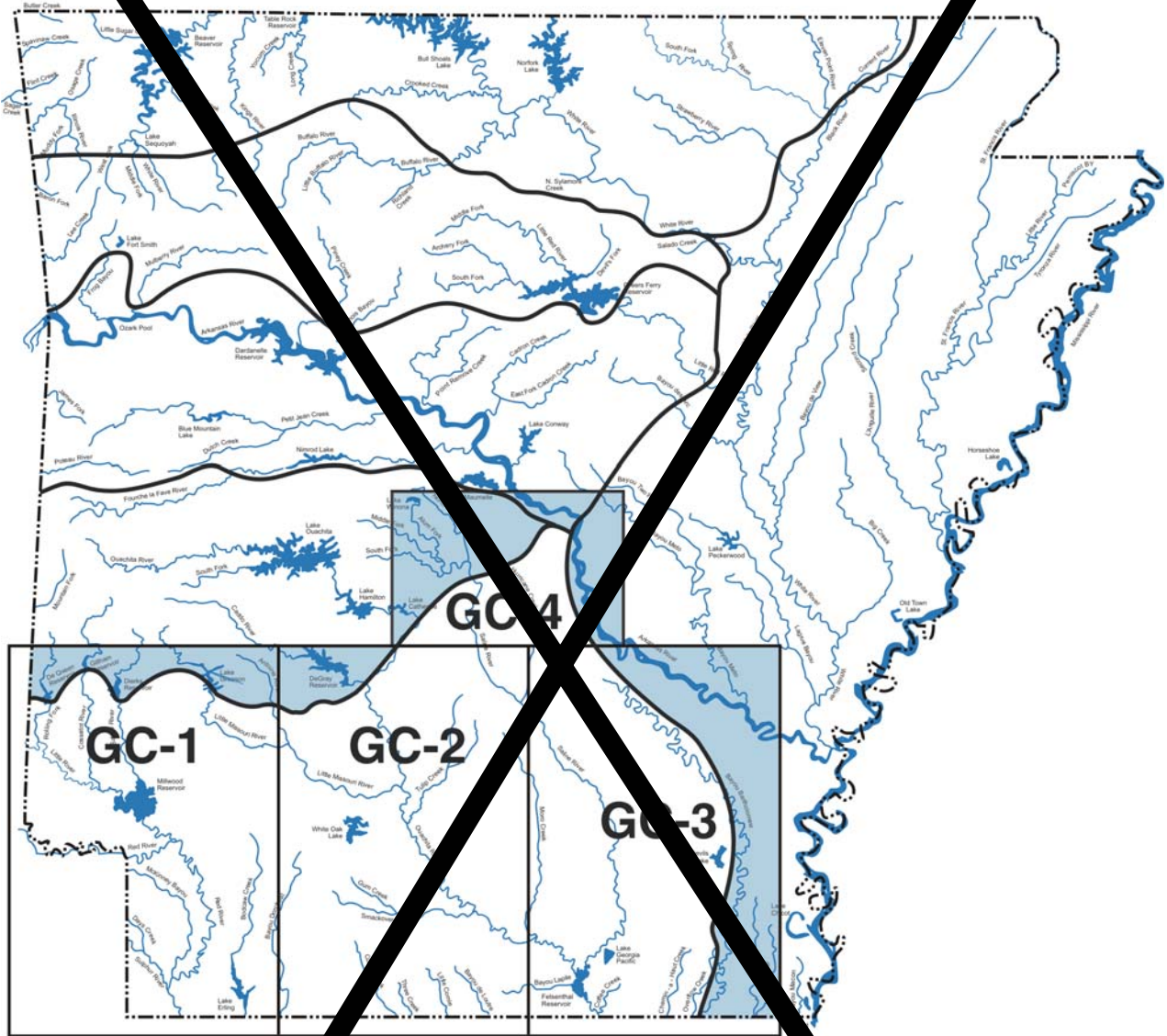


LEGEND

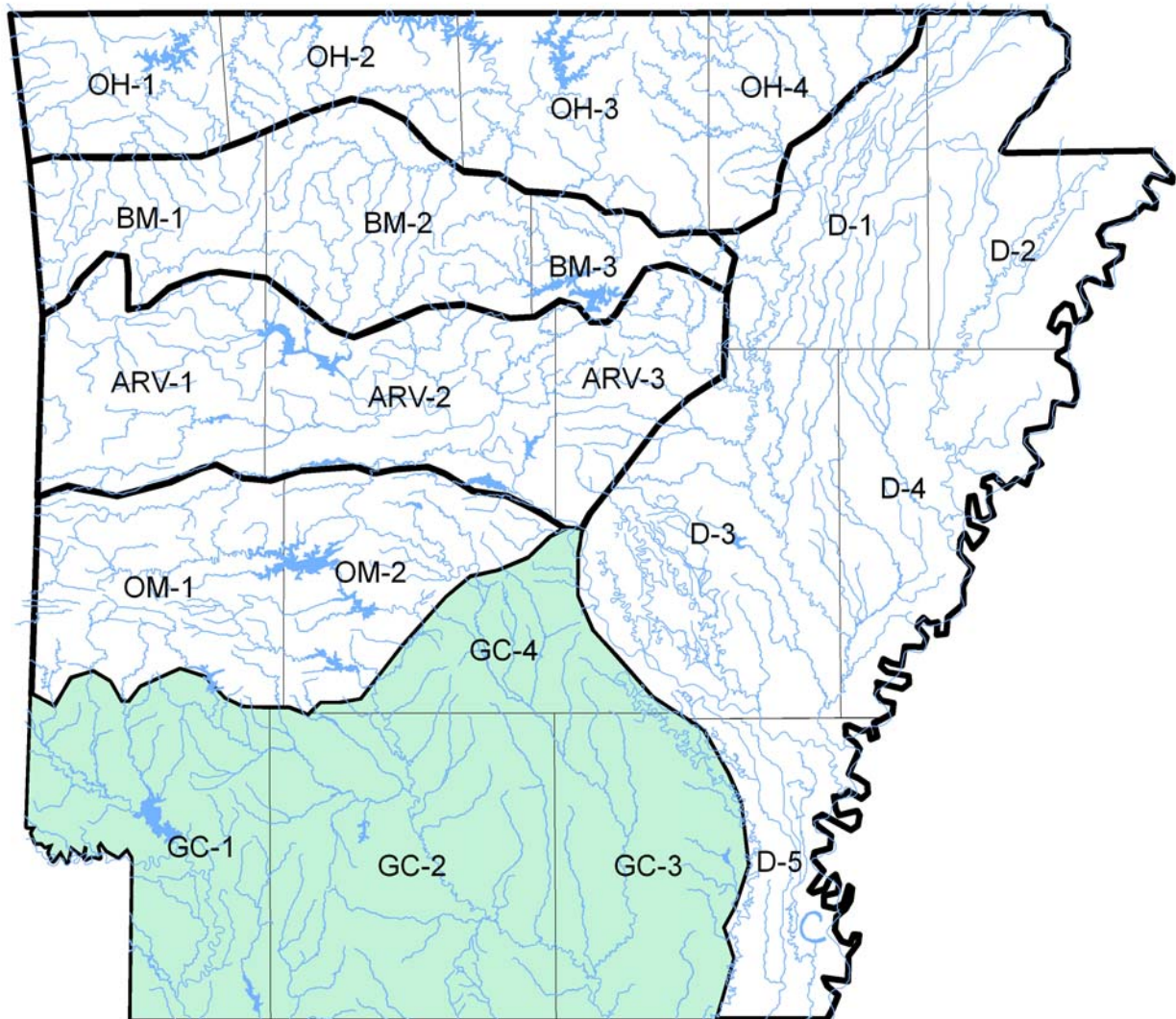
- - - Extraordinary Resource Waters
- • • Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters



Index to Plates of the Gulf Coastal Plan



Index to Plates of the Gulf Coastal Plain



Second Amended Petition

DESIGNATED USES: GULF COASTAL ECOREGION

(Plates GC-1, GC-2, GC-3, GC-4)

Extraordinary Resource Waters

Saline River (GC-3, GC-4)

Moro Creek - adjacent to natural area (GC-3)

Natural and Scenic Waterways

Saline River from the Grant-Saline County line to mouth (GC-3)

Ecologically Sensitive Waterbodies

Little River above Millwood Reservoir - location of Ouachita rock pocketbook and pink mucket mussels (GC-1)

Grassy Lake and Yellow Creek below Millwood Reservoir - unique ecosystem and biota (GC-1)

Lower Little Missouri River - location of peppered shiner and longnose darter (GC-2)

Lower Saline River - location of peppered shiner, crystal darter and goldstripe darter (GC-3)

Ouachita River near Arkadelphia - location of flat floater, Ouachita rock pocketbook and pink mucket mussels (GC-2)

Streams with Substantial Springwater Influence

L'Eau Fraix (GC-4)

Cypress Creek (GC-4)

East and West Fork Tulip Creeks (GC-4)

Others to be determined

Primary Contact Recreation - all streams with watersheds greater than 10 mi² and all lakes/reservoirs**

Secondary Contact Recreation - all waters**

Domestic, Industrial and Agricultural Water Supply - all waters**

Fisheries Aquatic Life**

Trout

Little Missouri River from Narrows Dam to confluence with Muddy Fork (GC-1)

Lakes and Reservoirs - all

Streams

Seasonal Gulf Coastal ~~fishery~~ aquatic life use - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Gulf Coastal ~~fishery~~ aquatic life use - all streams with watersheds of 10 mi² or larger and those waters where discharges equal or exceed 1-CFS ~~cfs~~

**Except for those waters with designated use variations supported by UAA or other investigations.

Second Amended Petition

Designated Use Variations Supported by UAA

Loutre Creek - perennial ~~fishery~~ aquatic life use, except seasonal from railroad bridge to mouth (GC-2, #1)
Unnamed trib to Smackover Creek - no fishable/swimmable uses (GC-2, #2)
Unnamed trib to Flat Creek - no fishable/swimmable uses (GC-2, #4)
Dodson Creek - perennial ~~fishery~~ aquatic life use (GC-4, #5)
Jug Creek - perennial ~~fishery~~ aquatic life use (GC-2, #6)
Lick Creek - seasonal ~~fishery~~ aquatic life use; no primary contact (GC-1, #7)
Coffee Creek and Mossy Lake - no fishable/swimmable or domestic water supply uses (GC-3, #8)
Red River from Oklahoma to confluence with Little River - no domestic water supply use (GC-1, #9)
Bluff Creek and unnamed trib - no domestic water supply use (GC-1, #10)
Mine Creek from Highway 27 to Millwood Lake - no domestic water supply use (GC-1, #11)
Caney Creek - no domestic or industrial water supply use (GC-1, #12)
Bois d'Arc Creek from Caney Creek to Red River - no domestic or industrial water supply use (GC-1, #13)
Town Creek below Acme trib - no domestic water supply (GC-4, #14)
Unnamed trib from Acme - no domestic water supply (GC-4, #14)
Gum Creek - no domestic water supply use (GC-2, #15)
Loutre creek from Highway 15 S. to the confluence of Bayou de Loutre – no domestic water supply use (GC-2, #41)
Unnamed trib 002 (UT002) – no domestic water supply use (GC-2, #31)
Unnamed trib 003 (UT003) – no domestic water supply use (GC-2, #34)
Unnamed trib 004 (UT004) – no domestic water supply use (GC-2, #32)
Bayou de Loutre from ~~Gum Creek~~ mouth of UT004 to State line - no domestic water supply use (GC-2, #16)
Walker Branch - no domestic water supply use (GC-2, #17)
Little Cornie Bayou from Walker Branch to State line - no domestic water supply use (GC-2, #18)
Unnamed trib to Little Cornie Bayou (UTLCB-2) - no domestic water supply use (GC-2, #18)
Alcoa unnamed trib to Hurricane Creek and Hurricane Creek - no domestic water supply use (GC-4, #19)
Holly Creek - no domestic water supply use (GC-4, #20)
Dry Lost Creek and tribs - no domestic water supply use (GC-4, #21)
Lost Creek - no domestic water supply use (GC-4, #22)
Albemarle unnamed trib (AUT) to Horsehead Creek - no domestic water supply use (GC-2, #27)
Horsehead Creek from AUT to mouth - no domestic water supply use (GC-2, #27)
Disnukes Creek and Big Creek to Bayou Dorcheat - no domestic water supply (GC-2, #28)
Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre - no domestic water supply use (GC-2, #51)
Unnamed trib to Flat Creek (UTA) - no domestic water supply use (GC-2, #38)
Unnamed trib to Flat Creek (UTB) - no domestic water supply use (GC-2, #37)
Flat Creek from the mouth of unnamed trib to the mouth of Haynes Creek - no domestic water supply use (GC-2, #39)
Haynes Creek from the confluence of Flat and Salt Creeks downstream to its confluence with Smackover Creek – no domestic water supply use (GC-2, #40)

Second Amended Petition

SPECIFIC STANDARDS: GULF COASTAL ECOREGION

(Plates GC-1, GC-2, GC-3, GC-4)

	<u>Typical Streams</u>	<u>Spring Water Streams</u>		<u>Lakes and Reservoirs</u>	
Temperature °C (°F)*	30 (86)	30 (86)		32 (89.6)	
Ouachita River					
(state line to Little Missouri River)	32 (89.6)				
Red River	32 (89.6)				
Turbidity (NTU) (base/all)	21/32	21/32		25/45	
Red River (base/all)	50/150				
Minerals	see Reg. 2.511			see Reg. 2.511	
Dissolved Oxygen (mg/l <u>mg/L</u>)**	<u>Pri.</u>	<u>Crit.</u>	<u>Pri.</u>	<u>Crit.</u>	see Reg. 2.505
<10 mi ² watershed	5	2			
10 mi ² - 500 mi ²	5	3			
>500 mi ² watershed	5	5			
All sizes (<u>springwater influenced</u>)			<u>6</u>	<u>5</u>	
All other standards	(same as statewide)				

*Increase over natural temperatures may not be more than 2.8°C (5°F).

**At water temperatures ≤10°C or during March, April and May when stream flows are 15 ~~CFS~~ cfs and greater, the primary season ~~D-O~~ dissolved oxygen standard will be 6.5 ~~mg/l~~ mg/L. When water temperatures exceed 22°C, the critical season ~~D-O~~ dissolved oxygen standard may be depressed by 1 ~~mg/l~~ mg/L for no more than 8 hours during a 24-hour period

Specific Standards Variations Supported by UAA

Loutre Creek from headwaters to railroad bridge - critical season ~~D-O~~ dissolved oxygen standard 3 ~~mg/l~~ mg/L; primary season dissolved oxygen standard 5 ~~mg/l~~ mg/L; from railroad bridge to mouth, critical season ~~D-O~~ dissolved oxygen standard 2 ~~mg/l~~ mg/L (GC-2, #1)

Unnamed trib to Smackover Creek: headwaters to Smackover Creek - ~~D-O~~ criteria dissolved oxygen standard 2 ~~mg/l~~ mg/L year-round (GC-2, #2)

Unnamed trib to Flat Creek: from headwaters to Flat Creek- ~~D-O~~ criteria dissolved oxygen standard - 2 ~~mg/l~~ mg/L year-round (GC-2, #4)

Dodson Creek: from headwaters to confluence with Saline River - critical season ~~D-O~~ dissolved oxygen standard— 3 ~~mg/l~~ mg/L (GC-4, #5)

Jug Creek: from headwaters to confluence with Moro Creek, critical season ~~D-O~~ dissolved oxygen standard— 3 ~~mg/l~~ mg/L (GC-2, #6)

Lick Creek: from headwaters to Millwood Reservoir, critical season ~~D-O~~ dissolved oxygen standard— 2 ~~mg/l~~ mg/L (GC-1, #7)

Coffee Creek and Mossy Lake - exempt from Reg. 2.406 and Chapter Five (GC-3, #8)

Red River from Oklahoma to confluence with Little River - total dissolved solids 850 ~~mg/l~~ mg/L (GC-1, #9)

Second Amended Petition

Bluff Creek and unnamed trib - sulfates 651 ~~mg/L~~ mg/L; total dissolved solids 1033 ~~mg/L~~ mg/L (GC-1, #10)
Muddy Fork Little Missouri River - sulfates 250 ~~mg/L~~ mg/L; total dissolved solids 500 ~~mg/L~~ mg/L (GC-1, #24)
Little Missouri River - sulfates 90 ~~mg/L~~ mg/L; total dissolved solids 180 ~~mg/L~~ mg/L (GC-1, #25)
Mine Creek from Highway 27 to Millwood Lake - chlorides 90 ~~mg/L~~ mg/L; sulfates 65 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 700 ~~mg/L~~ mg/L (GC-1, #11)
Caney Creek - chlorides 113 ~~mg/L~~ mg/L; sulfates 283 ~~mg/L~~ mg/L; total dissolved solids 420 ~~mg/L~~ mg/L (GC-1, #12)
Bois d'Arc Creek from Caney Creek to Red River - chlorides 113 ~~mg/L~~ mg/L; sulfates 283 ~~mg/L~~ mg/L; total dissolved solids 420 ~~mg/L~~ mg/L (GC-1, #13)
Town Creek below Acme trib - sulfates 200 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 700 ~~mg/L~~ mg/L (GC-4, #14)
Unnamed trib from Acme - sulfates 330 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 830 ~~mg/L~~ mg/L (GC-4, #14)
Gum Creek - chlorides 104 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 311 ~~mg/L~~ mg/L (GC-2, #15)
Bayou de Loutre from Gum Creek to State line - Chlorides 250 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 750 ~~mg/L~~ mg/L (GC-2, #16)
Walker Branch - chlorides 180 ~~mg/L~~ mg/L; total dissolved solids 970 ~~mg/L~~ mg/L (GC-2, #17)
Ouachita River: from Ouachita River mile (ORM) 223 to the Arkansas-Louisiana border (ORM 221.1) - site specific seasonal ~~D.O. criteria~~ dissolved oxygen standard 3 mg/L June and July; 4.5 mg/L August; 5 mg/L September through May. These seasonal criteria standards may be unattainable during or following naturally occurring high flows, (i.e., river stage above 65 feet measured at the lower gauge at the Felsenthal Lock and Dam, Station No.89-o, and also for the two weeks following the recession of flood waters below 65 feet); which occurs from May through August. Naturally occurring conditions which fail to meet criteria standards should not be interpreted as violations of these criteria standards (GC-3, #26)
Alcoa unnamed trib to Hurricane Creek and Hurricane Creek - see Reg. 2.511(CG-4, #19)
Holly Creek - see Reg. 2.511(CG-4, #20)
Saline River bifurcation - see Reg. 2.511(GC-4, #23)
Dry Lost Creek and tributaries - see Reg. 2.511(GC-4, #21)
Lost Creek - see Reg. 2.511(GC-4, #22)
Albemarle unnamed trib (AUT) to Horsehead Creek - chlorides 137 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 383 ~~mg/L~~ mg/L (GC-2, #27)
Horsehead Creek from AUT to mouth - chlorides 85 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 260 ~~mg/L~~ mg/L (GC-2, #27)
Bayou Dorcheat - sulfates 16 ~~mg/L~~ mg/L (GC-2, #27)
Dismukes Creek - chlorides 26 mg/L; ~~TDS~~ total dissolved solids 157 mg/L (GC-2, #28)
Big Creek from Dismukes to Bayou Dorcheat - chlorides 20 mg/L; ~~TDS~~ total dissolved solids 200 mg/L (GC-2, #28)
Bayou de Loutre from Chemtura outfall to Loutre Creek - maximum water temperature 96°F (GC-2, #29)
Unnamed trib of Lake June below Entergy Couch Plant to confluence with Lake June – maximum water temperature 95 degrees F (limitation of 5 degrees above natural temperature does not apply) (GC-1, #30)
Unnamed trib from Great Lakes Chemical Company Outfall 002 to Bayou de Loutre - chloride 65 ~~mg/L~~ mg/L; sulfate 35 mg/L; ~~TDS~~ total dissolved solids 141 mg/L (GC-2, #31)
Unnamed trib from Great Lakes Chemical Company Outfall 004 to Bayou de Loutre - chloride 239 mg/L; ~~TDS~~ total dissolved solids 324 mg/L (GC-2, #32)
Bayou de Loutre from mouth of UT004 to mouth of Loutre Creek - chloride 278 mg/L (GC-2, #33)
Unnamed trib from Great Lakes Chemical Company Outfall 003 (UT003) downstream to unnamed trib to Little Cornie Bayou - chloride 538 mg/L; sulfate 35 mg/L; and ~~TDS~~ total dissolved solids 519 mg/L (GC-2, #34)
Unnamed trib of Little Cornie Bayou to confluence with Little Cornie Bayou - chloride 305 mg/L; ~~TDS~~ total dissolved solids 325 mg/L (GC-2, #35)
Little Cornie Bayou from mouth UTA to state line - chloride 215mg/L; sulfate 25mg/L; ~~TDS~~ total dissolved solids 500mg/L (GC-2, #36)
Unnamed trib to Flat Creek from EDCC Outfall 001 d/s to confluence with unnamed trib A to Flat Creek - chloride 23 mg/L; sulfate 125 mg/L; ~~TDS~~ total dissolved solids 475 mg/L (GC-2, #37)
Unnamed trib A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek - chloride 16 mg/L; sulfate 80 mg/L; ~~TDS~~ total dissolved solids 315 mg/L, (GC-2, #38)
Flat Creek from mouth of UTA to confluence with Haynes Creek - chloride 165 mg/L; sulfate 67 mg/L; ~~TDS~~ total dissolved solids 560 mg/L (GC-2, #39)
Haynes Creek from mouth of Flat Creek to confluence with Smackover Creek - chloride 360 mg/L; sulfate 55 mg/L;

Second Amended Petition

~~TDS~~ total dissolved solids 855 mg/L (GC-2, #40)
Loutre Creek from Hwy 15 South to the confluence of Bayou de Loutre - chloride 256 mg/L; sulfate 997 mg/L; ~~TDS~~ total dissolved solids 1756* mg/L (GC-3, #41)
Bayou de Loutre from Loutre Creek to the discharge for the City of El Dorado South facility - chloride 264 mg/L; sulfate 635 mg/L; ~~TDS~~ total dissolved solids 1236* mg/L (GC-3, #42)
Bayou de Loutre from the discharge from the City of El Dorado, South downstream to the mouth of Gum Creek - chloride 250 mg/L; sulfate 431 mg/L; ~~TDS~~ total dissolved solids 966 mg/L (GC-3, #43)
Bayou de Loutre from the mouth of Gum Creek downstream to the mouth of Boggy Creek - chloride 250 ~~mg/L~~ mg/L; sulfate 345 mg/L; ~~TDS~~ total dissolved solids 780 mg/L (GC-3, #44)
Bayou de Loutre from the mouth of Boggy Creek downstream to the mouth of Hibank Creek - chloride 250 mg/L; sulfate 296 mg/L; ~~TDS~~ total dissolved solids 750 mg/L (GC-3, #45)
Bayou de Loutre from the mouth of Hibank Creek downstream to the mouth of Mill Creek - chloride 250 mg/L; sulfate 263 mg/L; ~~TDS~~ total dissolved solids 750 mg/L (GC-3, #46)
Bayou de Loutre from the mouth of Mill Creek downstream to the mouth of Buckaloo Branch - chloride 250 mg/L; sulfate 237 mg/L; ~~TDS~~ total dissolved solids 750 mg/L (GC-3, #47)
Bayou de Loutre from the mouth of Buckaloo Branch downstream to the mouth of Bear Creek - chloride 250 mg/L; sulfate 216 mg/L; ~~TDS~~ total dissolved solids 750 mg/L (GC-3, #48)
Bayou de Loutre from the mouth of Bear Creek to the final segment of Bayou de Loutre - chloride 250 mg/L; sulfate 198 mg/L; ~~TDS~~ total dissolved solids 750 mg/L (GC-3, #49)
Bayou de Loutre (Final Segment) to the Arkansas/Louisiana State Line - chloride 250 mg/L; sulfate 171 mg/L; ~~TDS~~ total dissolved solids 750 mg/L (GC-3, #50)
Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre - chloride 631 ~~mg/L~~ mg/L; sulfate 63 ~~mg/L~~ mg/L; ~~TDS~~ total dissolved solids 1360 mg/L; selenium 15.6 ~~ug/L~~ ug/L (GC-2, #51)

Plate GC-1 (Gulf Coastal Plain)

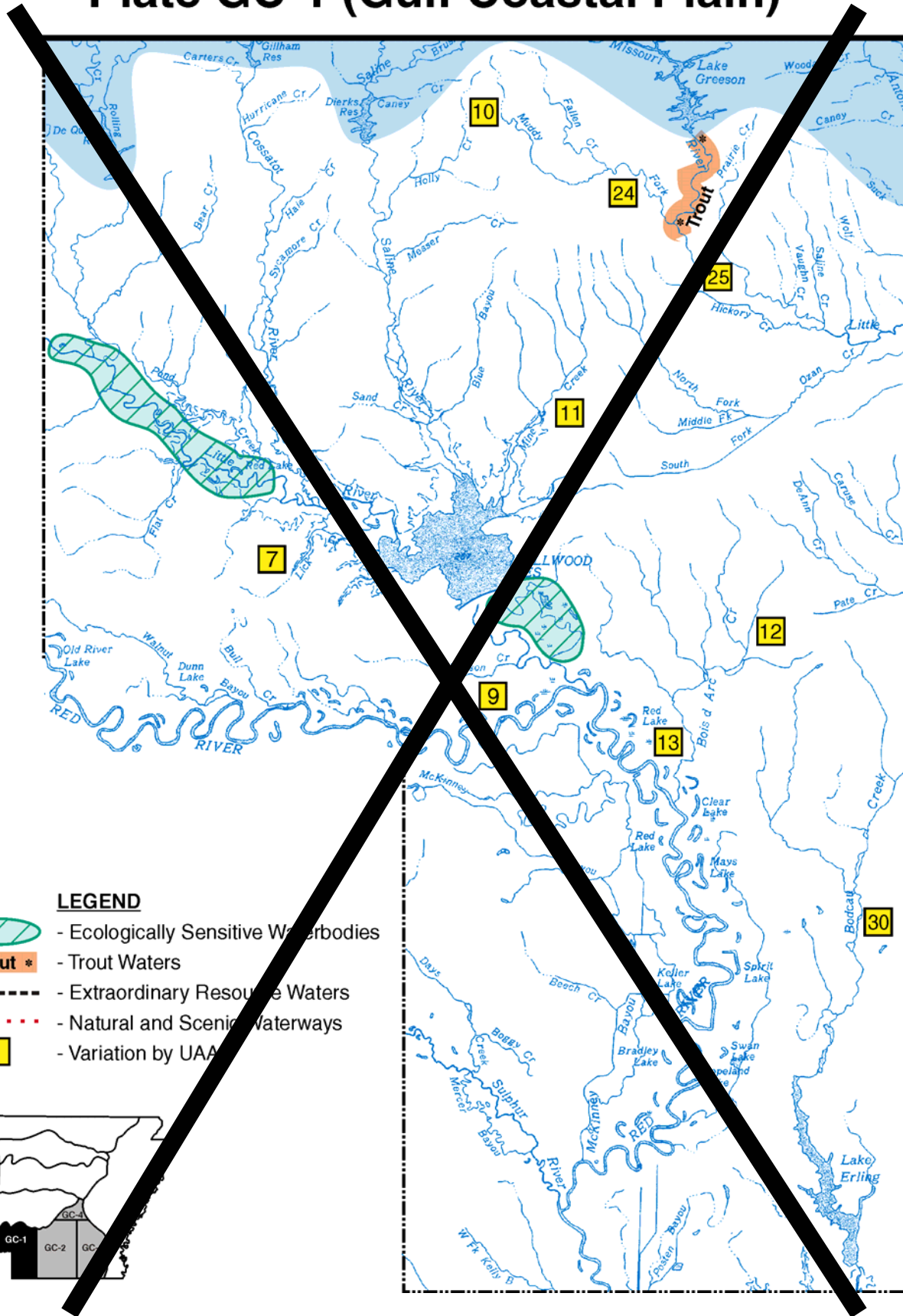


Plate GC-1 (Gulf Coastal Plain)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

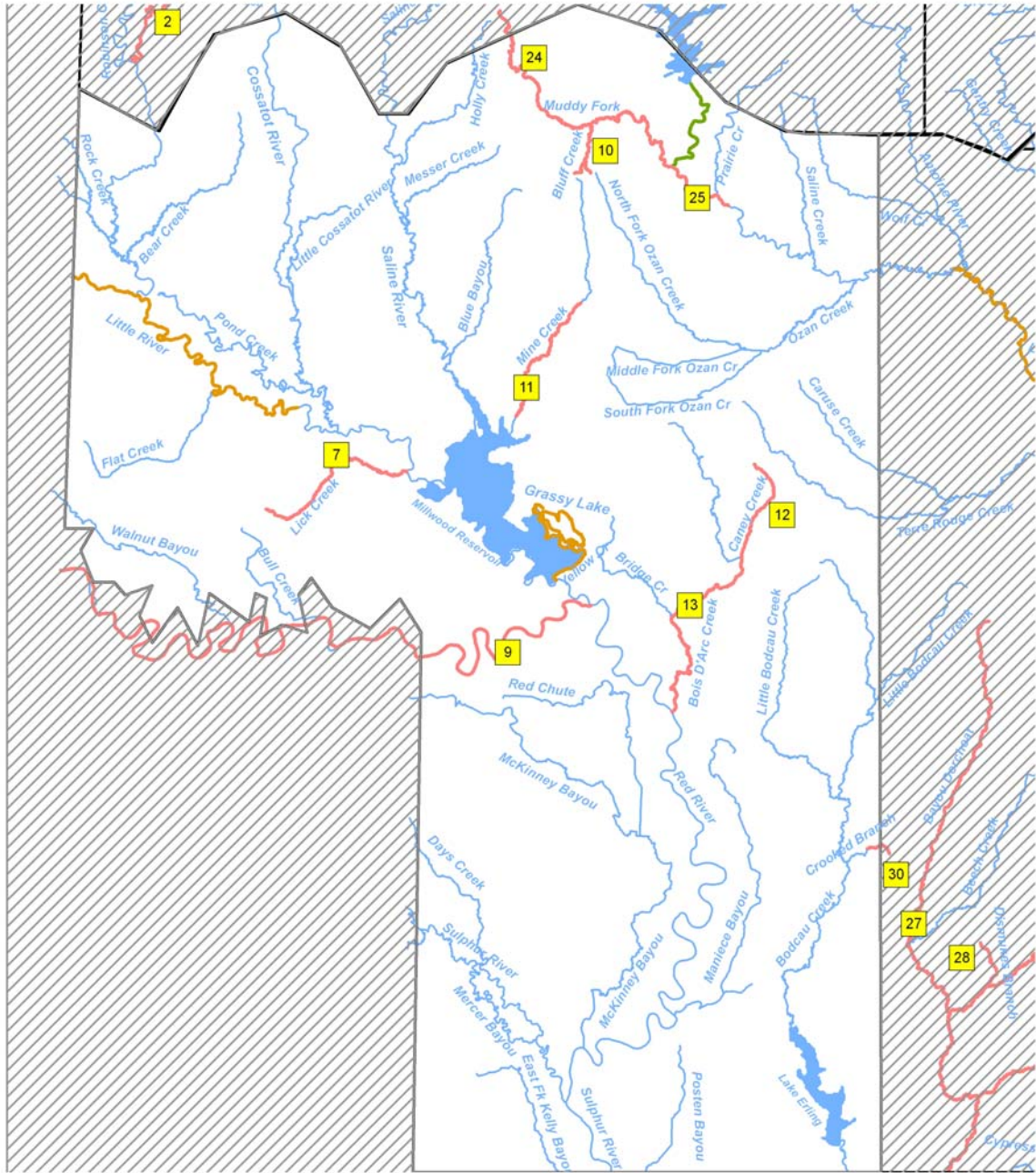


Plate GC-2 (Gulf Coastal Plain)

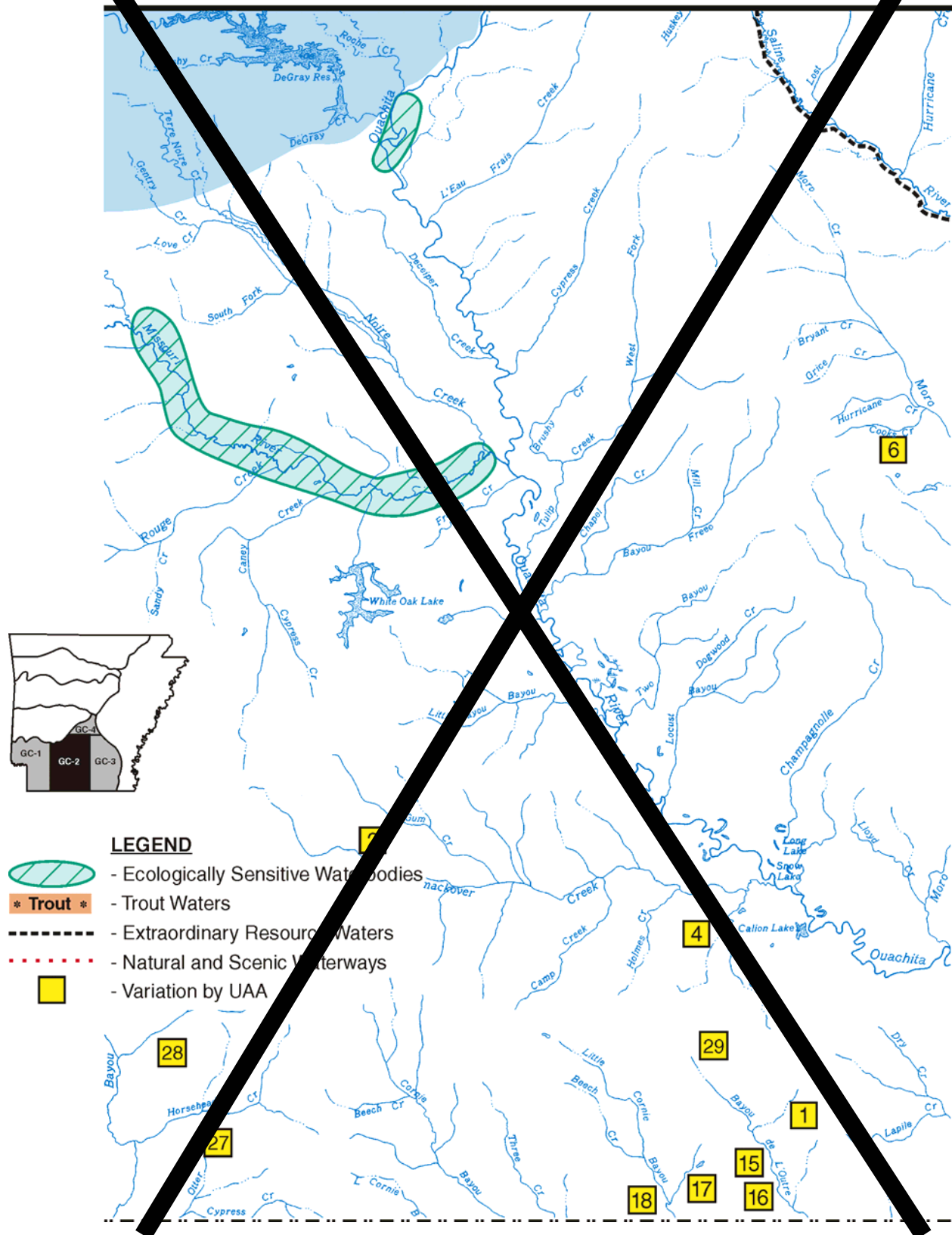


Plate GC-2 (Gulf Coastal Plain)

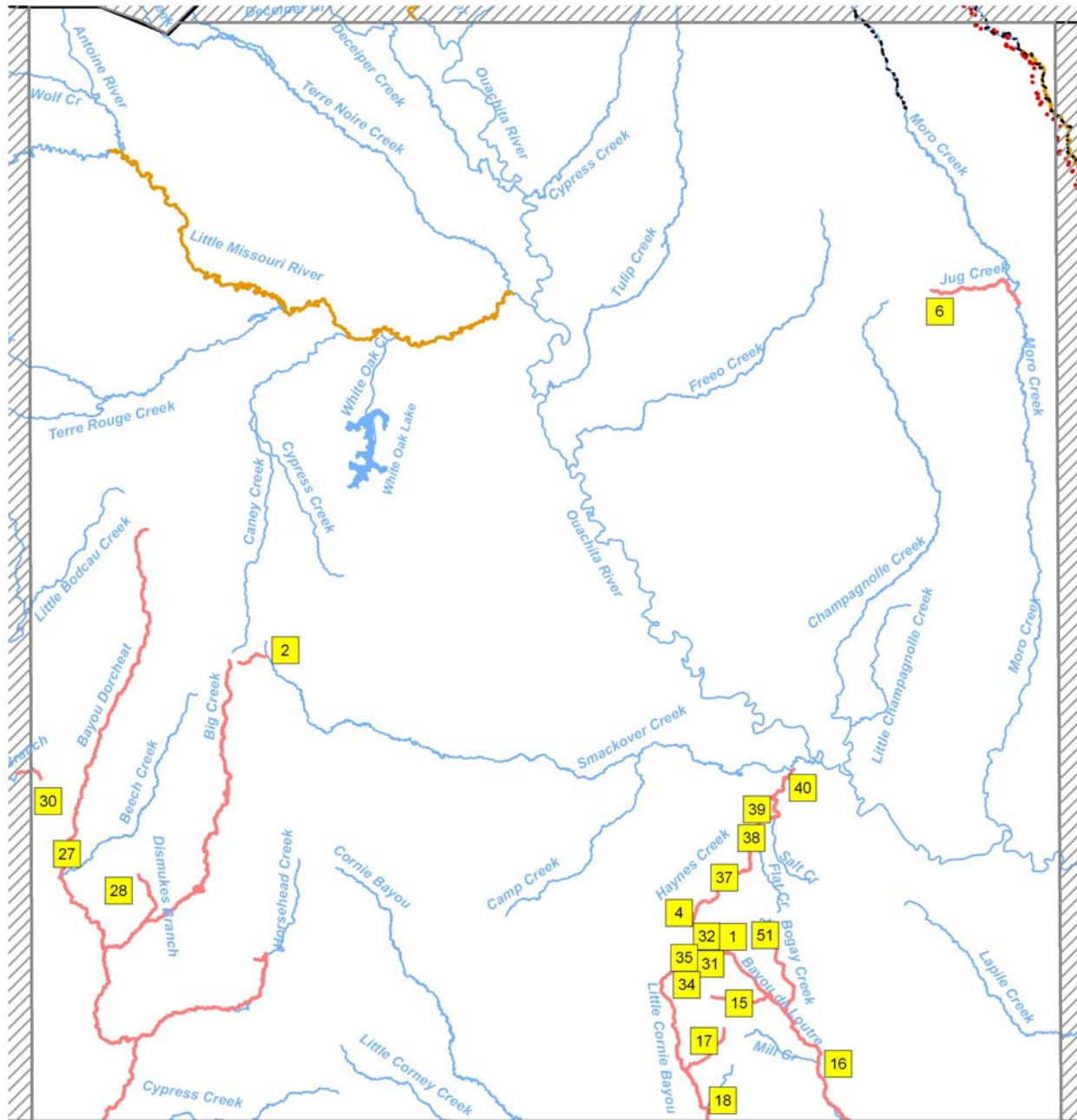
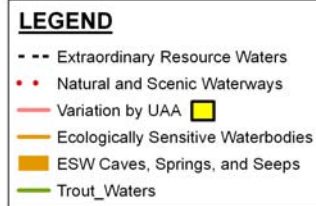


Plate GC-3 (Gulf Coastal Plain)

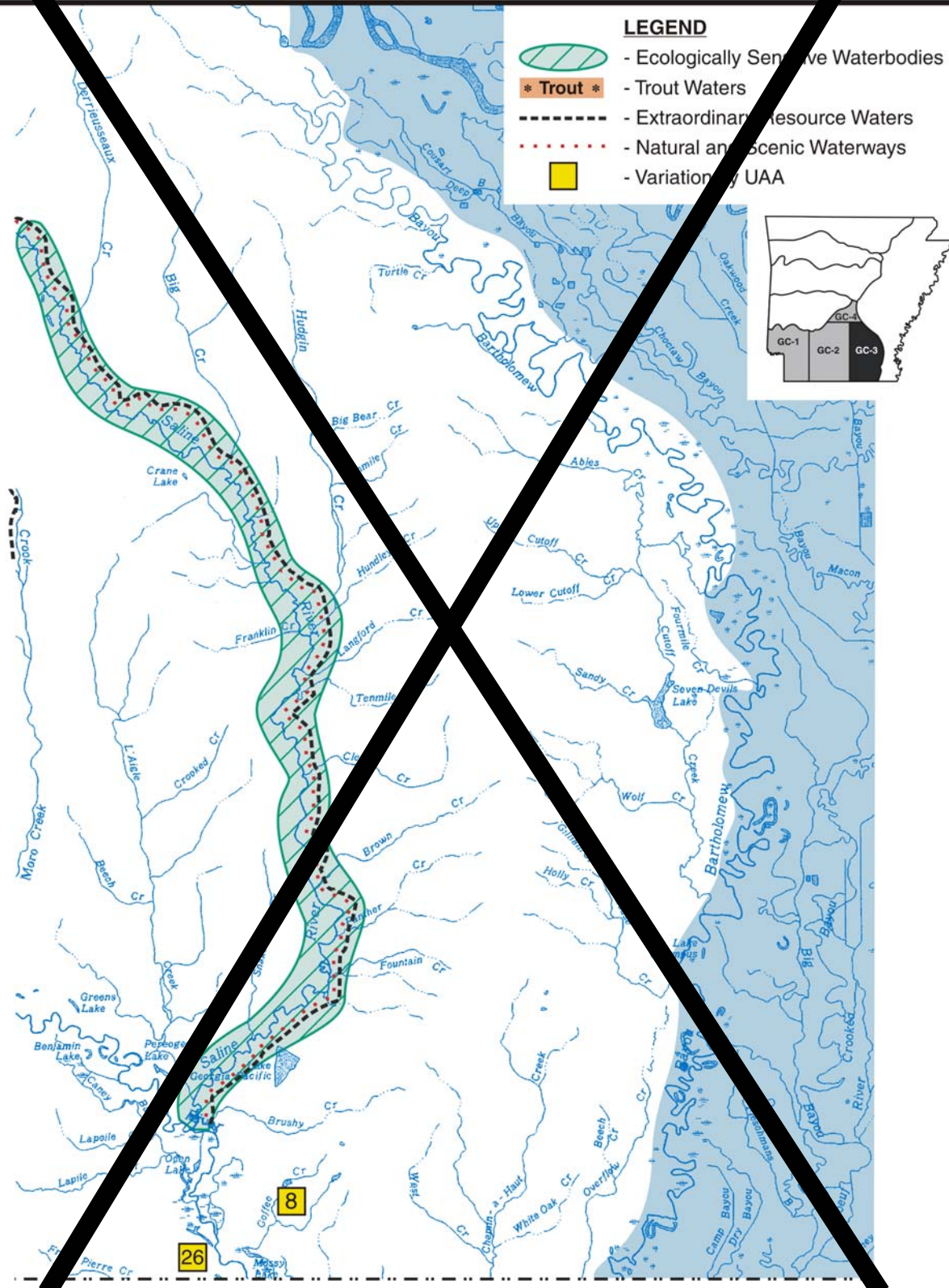


Plate GC-3 (Gulf Coastal Plain)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

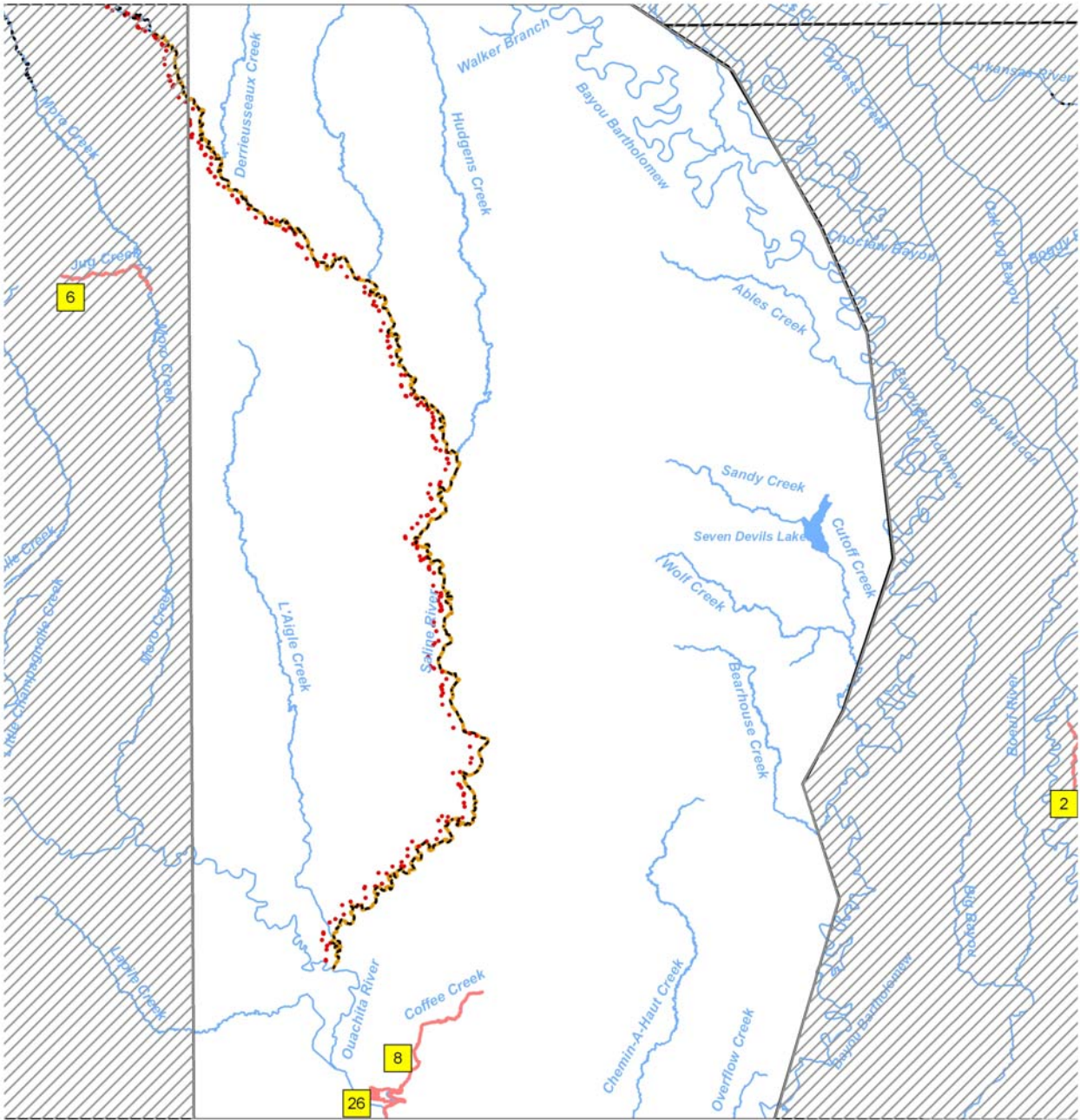
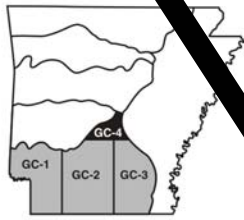

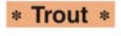





Plate GC-4 (Gulf Coastal Plain)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

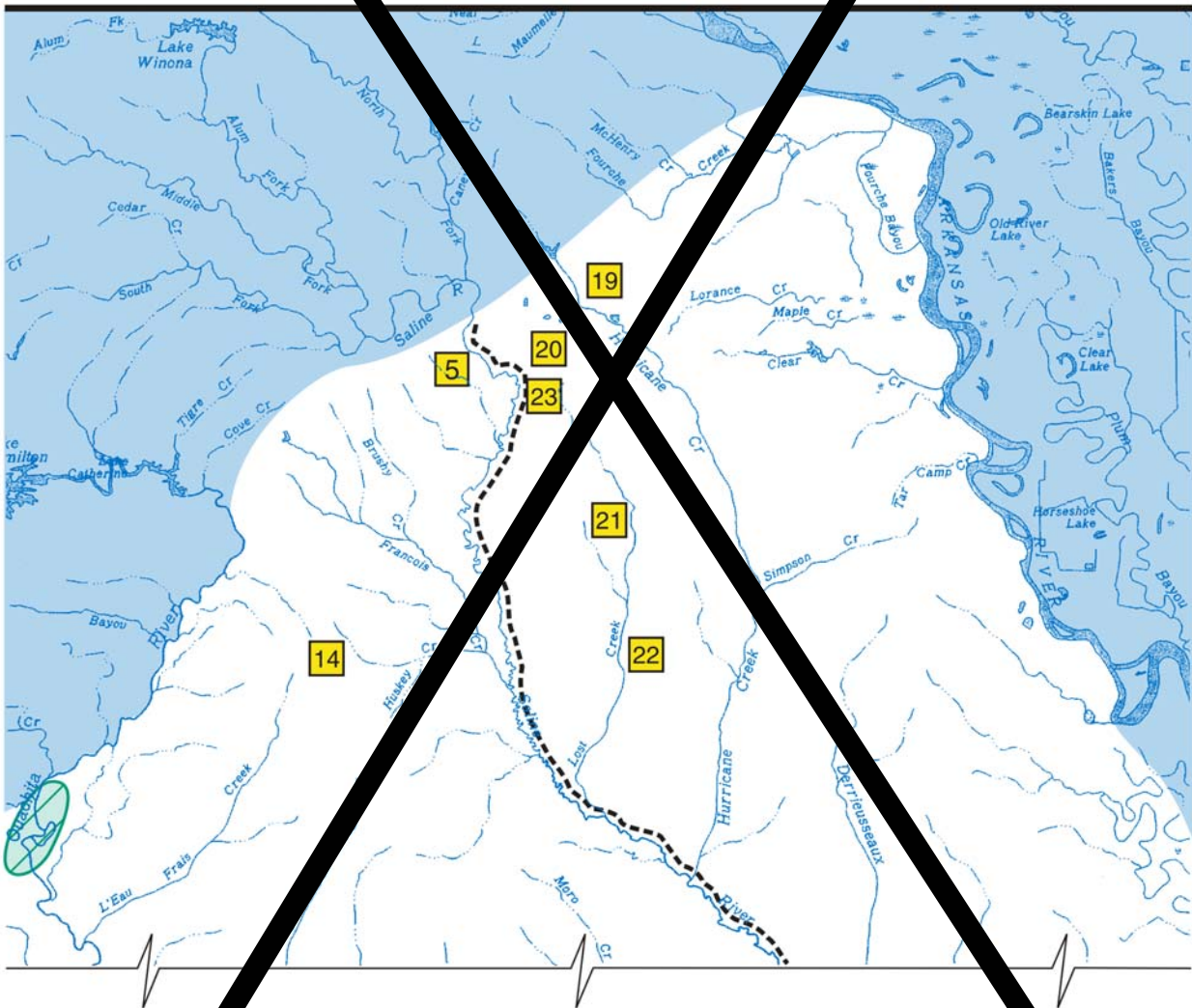
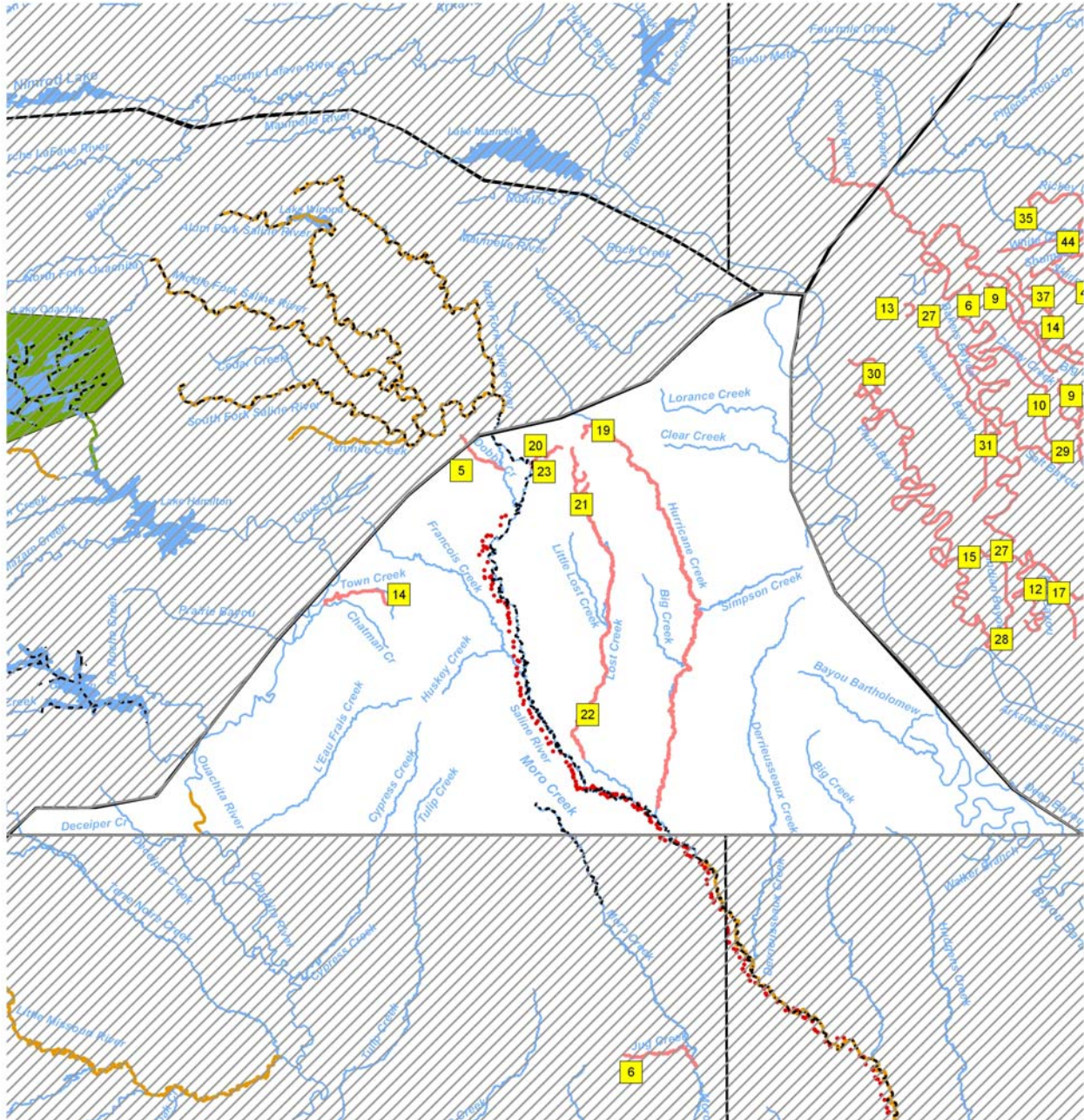


Plate GC-4 (Gulf Coastal Plain)



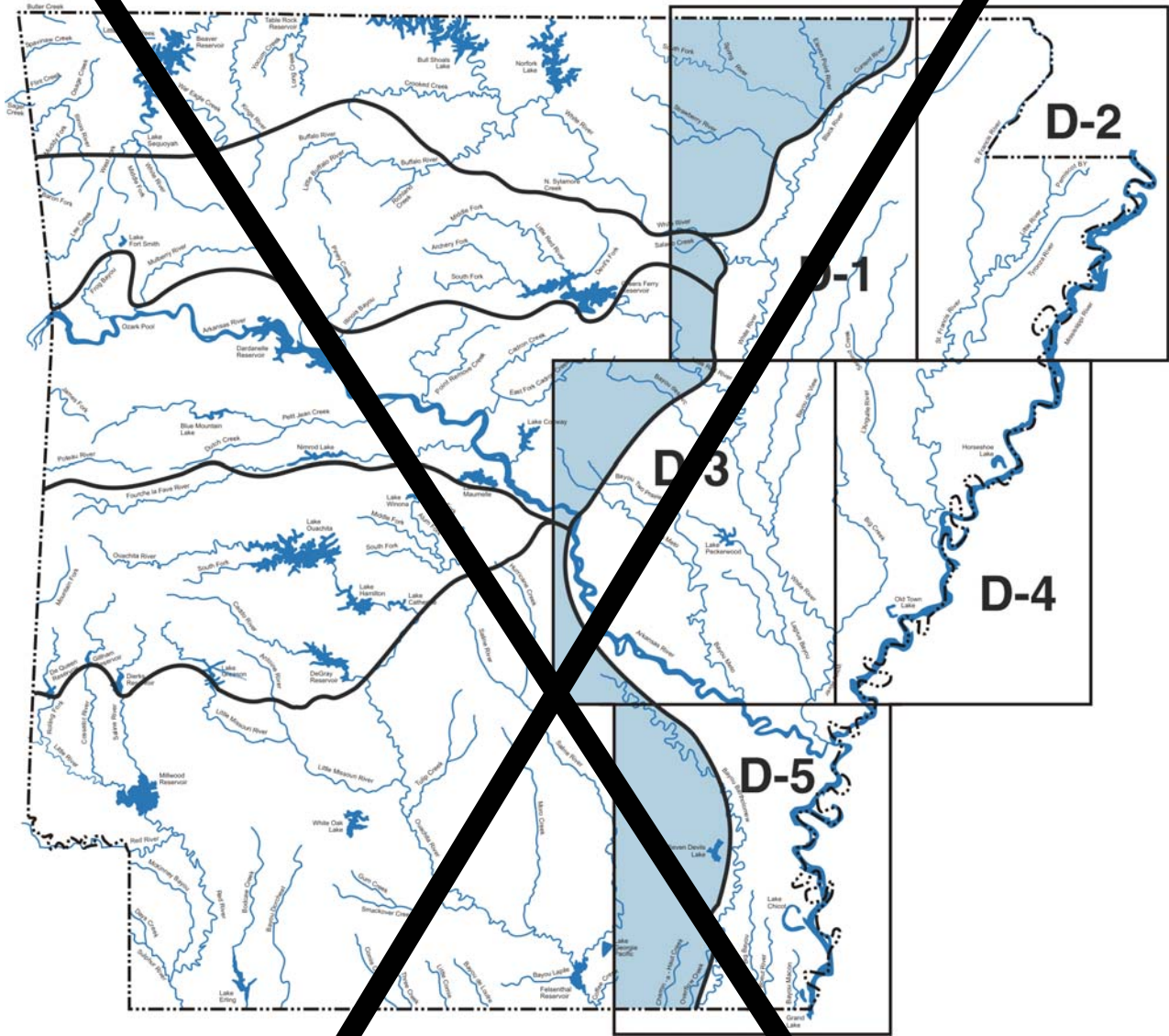
LEGEND

- - - Extraordinary Resource Waters
- • • Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

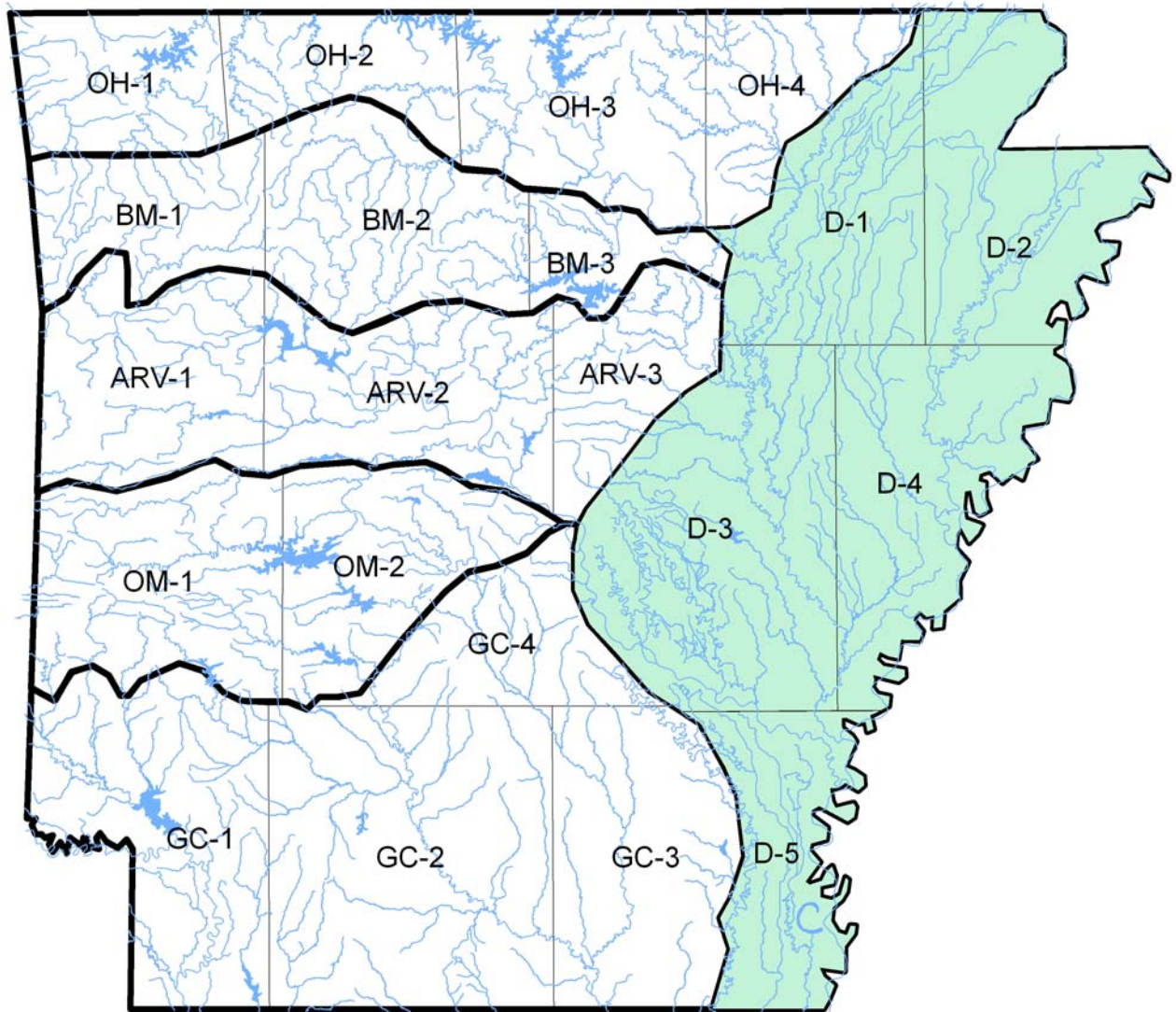


Second Amended Petition

Index to Plates of the Delta



Index to Plates of the Delta



Second Amended Petition

DESIGNATED USES: DELTA ECOREGION

(Plates D-1, D-2, D-3, D-4, D-5)

Extraordinary Resource Waters

Second Creek (D-4)
Cache River above Cache Bayou - adjacent to natural areas (D-3)
Arkansas River below Dam #2 (D-5)
Strawberry River (D-1)
Two Prairie Bayou adjacent to natural areas (D-3)

Natural and Scenic Waterways

None

Ecologically Sensitive Waterbodies

Lower St. Francis River and lower 10 miles of Straight Slough - location of fat pocketbook mussel (D-2, D-4)
Right Hand Chute at confluence with St. Francis River - location of fat pocketbook mussel (D-2)
Departee Creek - location of flat floater mussel (D-1)
Black River at mouth of Spring River - location of pink mucket mussel (D-1)

Channel-altered Delta Ecoregion Streams - These include the majority of the streams in this ecoregion and are characterized by substantial alteration of the morphology of their main-stream channel as well as their tributary streams. Such alteration of the tributaries of these streams significantly affects the water quality and hydrology of the streams and their watersheds. Most of the upper segments of these waters have been dredged and straightened into ditches. Additionally, most of the tributaries of these streams have been straightened, ditched and, in some cases, rerouted to quickly move water off the agriculture fields and into the major streams. In the lower segments of these waters, channel realignment is less expansive but most of these channels have been “snagged” to remove any in-stream obstructions (brush, logs, and other debris) and the stream channel and banks have been dredged to uniform depths and cleared of any obstructions. These include Cache River, Bayou DeView, Village Creek, Blackfish Bayou and others to be determined by the Arkansas Department of Environmental Quality on a case by case basis.

Primary Contact Recreation - all streams with watersheds of greater than 10 mi² and all lakes/reservoirs**

Secondary Contact Recreation - all waters**

Domestic, Industrial and Agricultural Water Supply - all waters**

Fisheries Aquatic Life**

Trout - none

Lakes and Reservoirs - all

Streams

Seasonal Delta ~~fishery~~ aquatic life use - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Delta ~~fishery~~ aquatic life use - all streams with watersheds 10 mi² or larger and those waters where discharges equal or exceed 1 ~~CFS~~ cfs

Designated Use Variation Supported by UAA

Unnamed ditch to Little Lagrue Bayou - perennial Delta ~~fishery~~ aquatic life use (D-3, #1)
Little Lake Bayou - seasonal Delta ~~fishery~~ aquatic life use; no primary contact (D-5, #2)
Coon Creek and unnamed trib from Frit Ind. - no domestic water supply use (D-1, #3)
Rocky Branch Creek and Bayou Meto from Rocky Branch Creek to Bayou Two Prairie - no domestic water supply use (D-3, #4)
Ditch No. 27 – no domestic water supply use (D-2, #5)

Second Amended Petition

Ditch No. 6 – no domestic water supply use (D-2, #6)

**Except for those waters with designated use variations supported by UAA or other investigations.

SPECIFIC STANDARDS: DELTA ECOREGION

	(Plates D-1, D-2, D-3, D-4, D-5)				
	<u>Least-Altered Streams</u>		<u>Channel-Altered Streams</u>		<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	30 (86)		32 (89.6)		32 (89.6)
White River	32 (89.6)				
St. Francis River	32 (89.6)				
Mississippi River	32 (89.6)				
Arkansas River	32 (89.6)				
Turbidity (NTU) (base/all)	45/84		75/250		25/45
Arkansas River (base/all)	50/52				
Mississippi River (base/all)	50/75				
St. Francis River (base/all)	75/100				
Minerals	see Reg. 2.511		see Reg. 2.511		see Reg. 2.511
Dissolved Oxygen (mg/l mg/L)**	<u>Pri</u>	<u>Crit</u>	<u>Pri</u>	<u>Crit</u>	see Reg. 2.505
<10 mi ² watershed	5	2	5	2	
10 mi ² to 100 mi ²	5	3	5	3	
>100 mi ² watershed	5	5	5	5	
All other standards	(same as statewide)				

Specific Standards Variations Supported by UAA

Unnamed ditch to Little Lagrue Bayou: from headwaters to confluence with Little Lagrue Bayou - critical season ~~D-O~~ dissolved oxygen standard 3 ~~mg/l~~ mg/L (D-3, #1)

Little Lake Bayou - critical season ~~D-O~~ dissolved oxygen standard 2 ~~mg/l~~ mg/L (D-5, #2)

Unnamed trib from Frit Ind. to Coon Creek - sulfates 48 ~~mg/l~~ mg/L (D-1, #3)

Rocky Branch Creek - chlorides 64 ~~mg/l~~ mg/L (D-3, #4)

Bayou Meto from Rocky Branch Creek to Bayou Two Prairie - chlorides 64 ~~mg/l~~ mg/L (D-3, #4)

Bayou Meto from mouth to Bayou Two Prairie - chlorides 95 ~~mg/l~~ mg/L; sulfates 45 ~~mg/l~~ mg/L (D-3, #4)

Ditch No. 27 - sulfates 480 ~~mg/l~~ mg/L; ~~TDS~~ total dissolved solids 1,200 ~~mg/l~~ mg/L; maximum water temperature 95°F (D-2, #5)

Ditch No. 6 from Ditch No. 27 confluence to its mouth - sulfates 210 ~~mg/l~~ mg/L; ~~TDS~~ total dissolved solids 630 ~~mg/l~~ mg/L (D-2, #6)

Tyrone River from Ditch No. 6 confluence to its mouth - sulfates 60 ~~mg/l~~ mg/L - see Reg. 2.511 (D-2, #7)

Long Pond Slough - chlorides 95 ~~mg/l~~ mg/L; sulfates 45 ~~mg/l~~ mg/L (D-3, #40)

Castor Bayou - chlorides 95 ~~mg/l~~ mg/L; sulfates 45 ~~mg/l~~ mg/L (D-3, #26)

Cross Bayou - chlorides 95 ~~mg/l~~ mg/L; sulfates 45 ~~mg/l~~ mg/L (D-3, #41)

~~Bayou Two Prairie (mouth to Rickey Branch) - chlorides 95 mg/l; sulfates 45 mg/l~~

Bayou Two Prairie (Rickey Branch to Northern boundary of Smoke Hole Natural Area) - chlorides 95 mg/L; sulfates 45 mg/L (D-3, #42)

Bayou Two Prairie (Southern boundary of Smoke Hole Natural Area to Mouth) - chlorides 95 mg/L; sulfates 45 mg/L (D-3, #42)

Little Bayou Meto - chlorides 95 ~~mg/l~~ mg/L; sulfates 45 ~~mg/l~~ mg/L (D-3, #34)

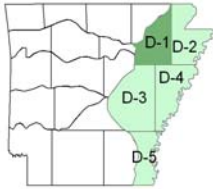
Second Amended Petition

Bakers Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #6)
Wabbaseka Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #27)
Indian Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #28)
Flat Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #12)
Shumaker Branch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #11)
Skinner Branch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #43)
White Oak Branch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #44)
Caney Creek - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #10)
Salt Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #29)
Snow Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #13)
Fish Trap Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #14)
Ricky Branch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #45)
Blue Point Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #46)
Big Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #8)
Main Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #15)
Plum Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #30)
Crooked Creek Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #9)
Indian Bayou Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #31)
Caney Creek Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #10)
Salt Bayou Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #29)
Bradley Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #17)
Tupelo Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #36)
Dennis Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #16)
Buffalo Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #32)
Flynn Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #18)
Boggy Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #19)
Bear Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #20)
Bubbling Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #21)
Five Forks Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #33)
Government Cypress Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #22)
Brushy Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #23)
Tipton Ditch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #38)
Hurricane Slough - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #24)
Newton Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #25)
West Bayou - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #39)
Brownsville Branch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #35)
Eagle Branch - chlorides 95 ~~mg~~ mg/L; sulfates 45 ~~mg~~ mg/L (D-3, #37)

*Increase over natural temperatures may not be more than 2.8°C (5°F).

**When water temperatures exceed 22°C, the critical season ~~D-O~~: dissolved oxygen standard may be depressed by 1 ~~mg~~ mg/L for no more than 8 hours during a 24-hour period.

Plate D-1 (Delta)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

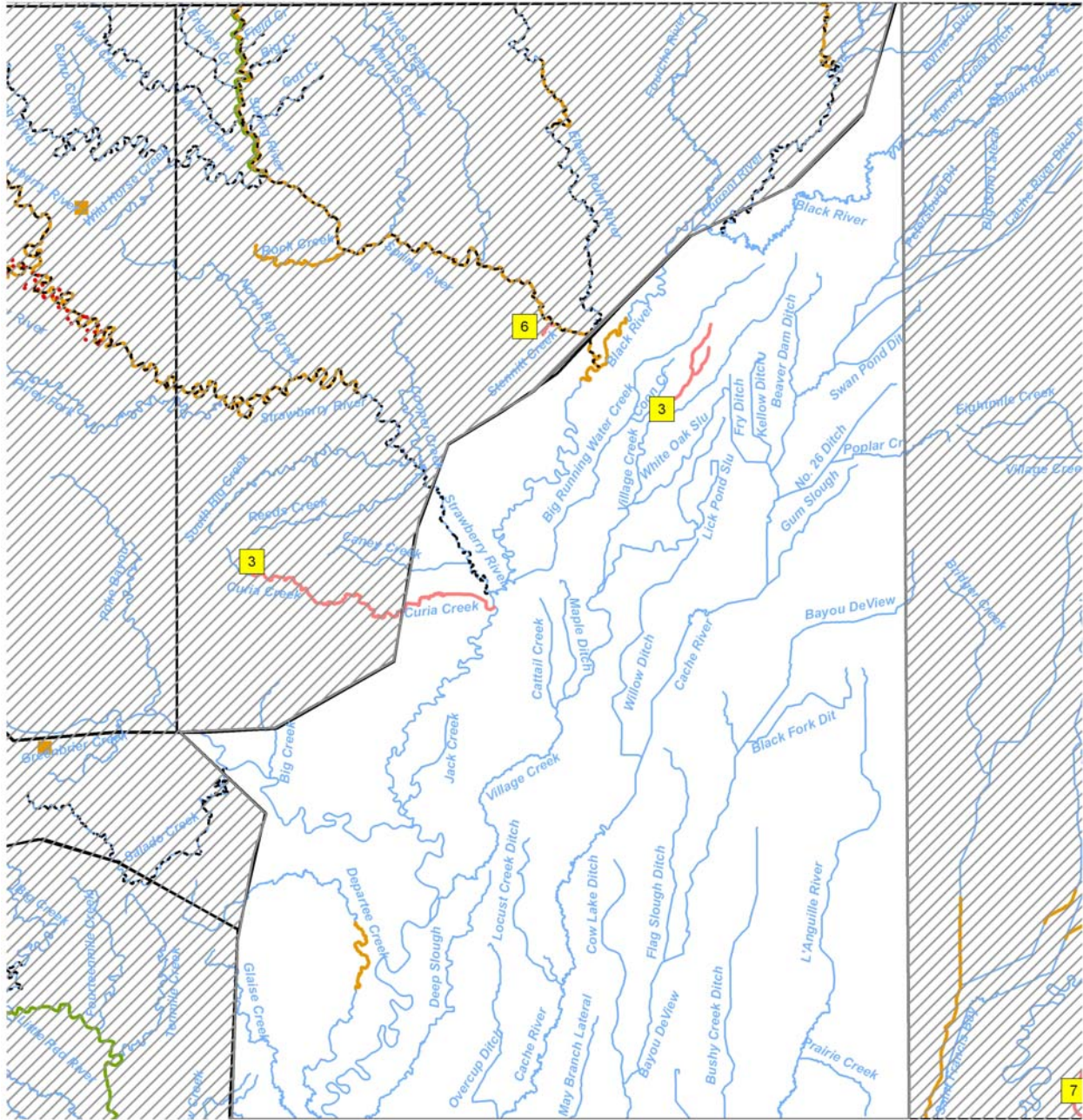


Plate D-2 (Delta)

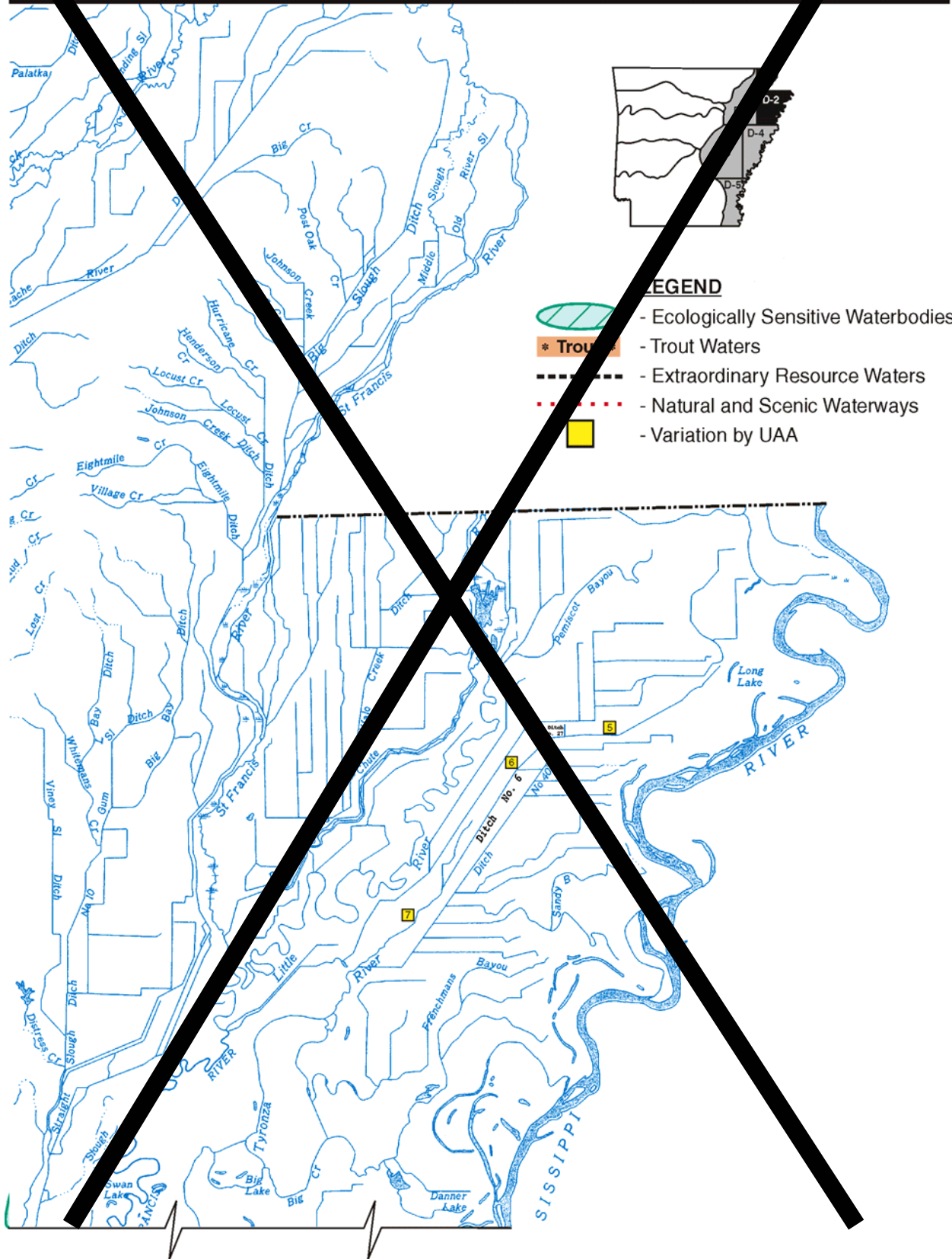
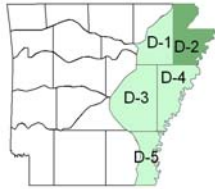


Plate D-2 (Delta)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

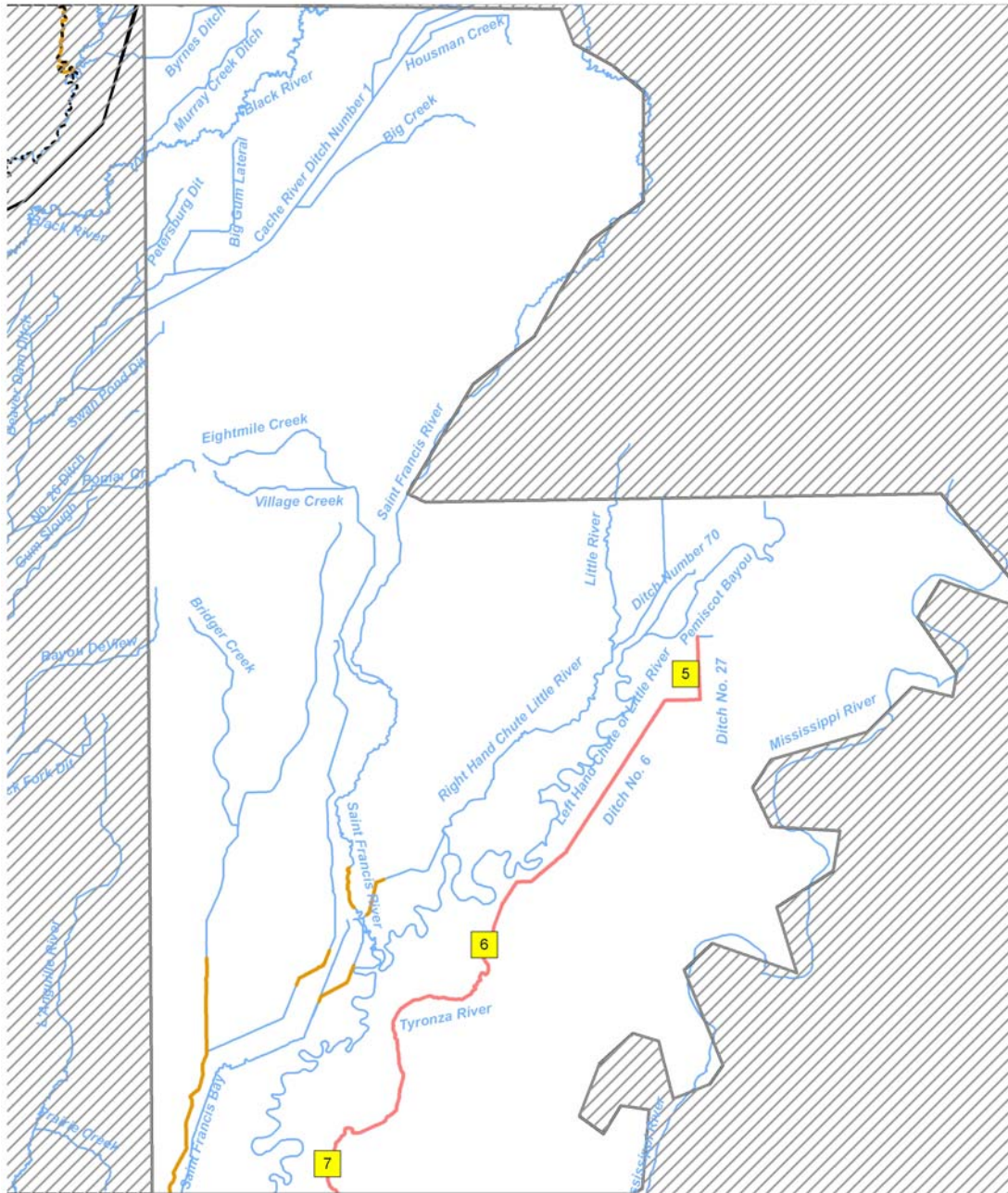


Plate D-3 (Delta)

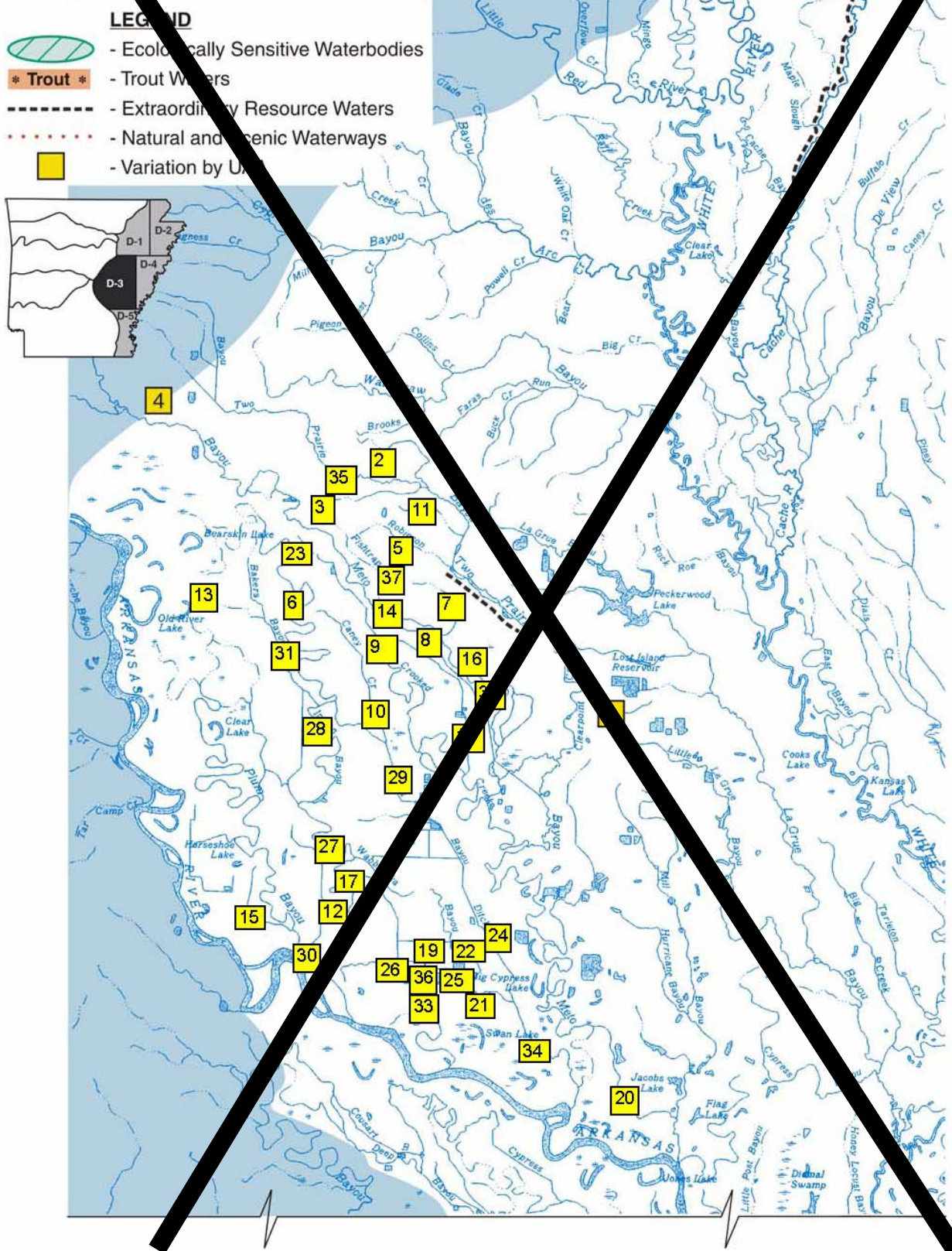
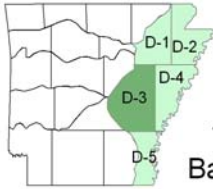


Plate D-3 (Delta)



* EPA disapproved UAA for the portion of Bayou Two Prairie that is designated as ERW.

LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

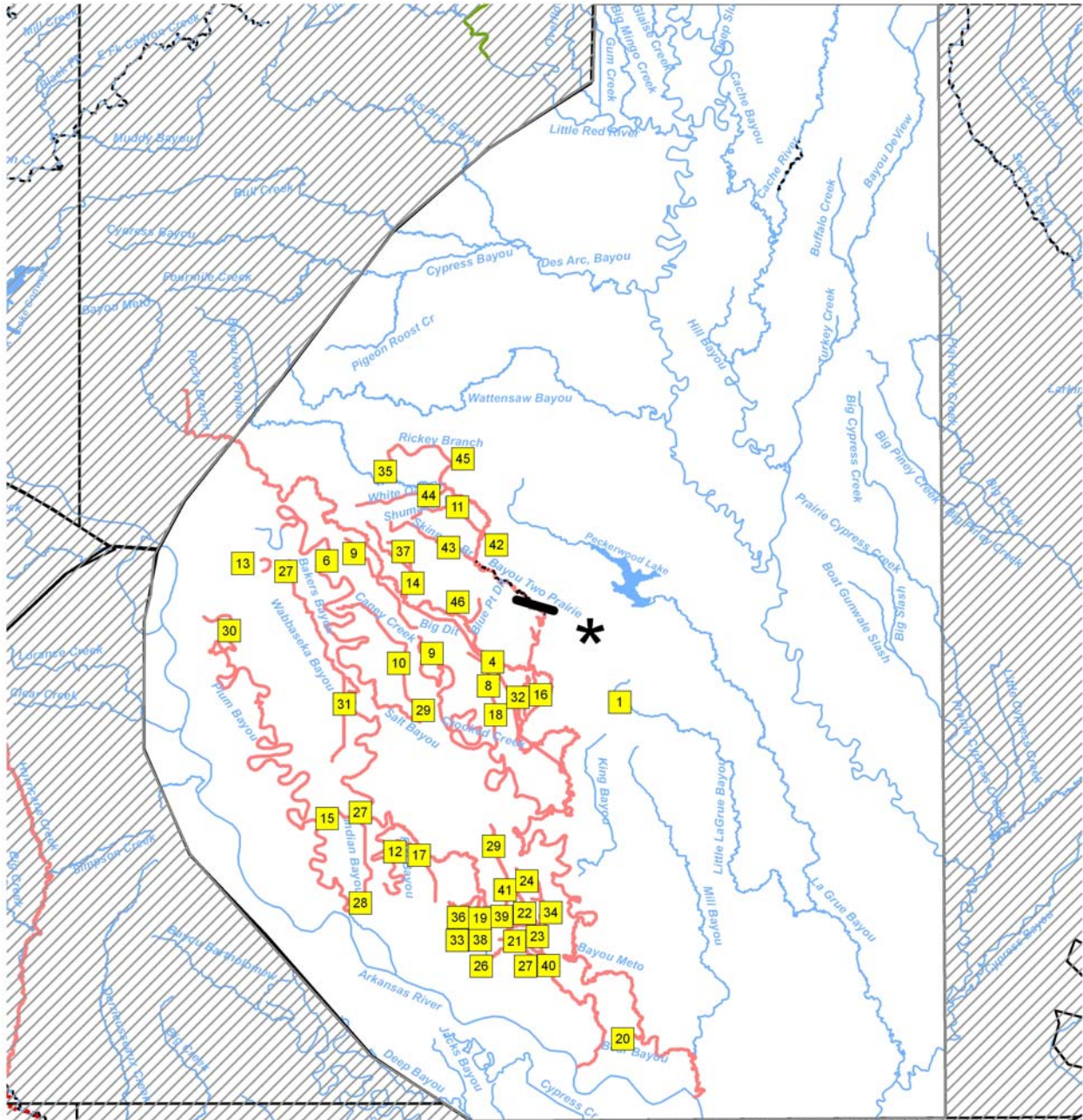


Plate D-4 (Delta)

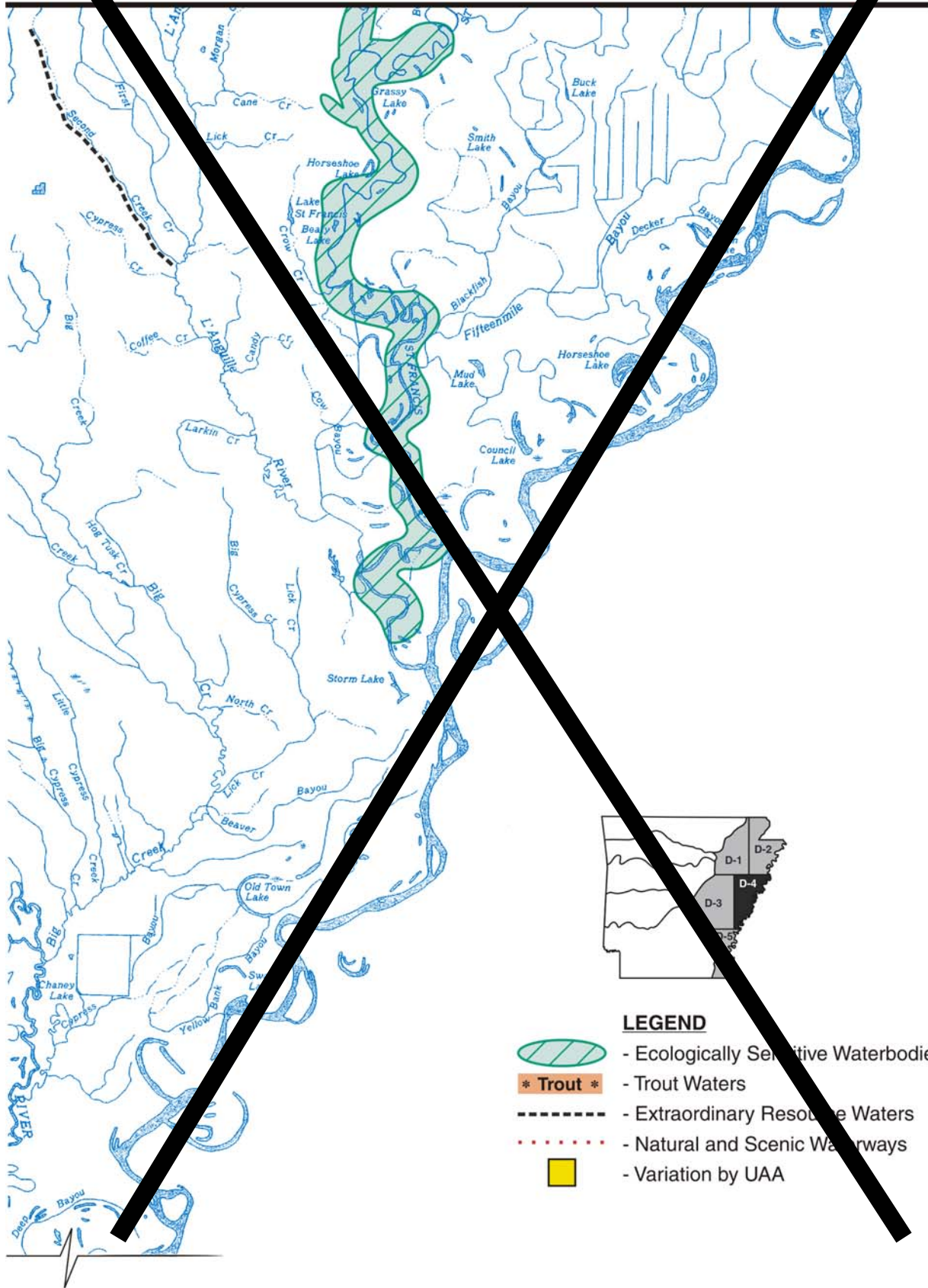
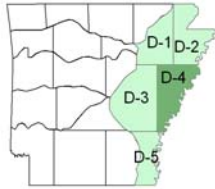


Plate D-4 (Delta)



LEGEND

- - - Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters

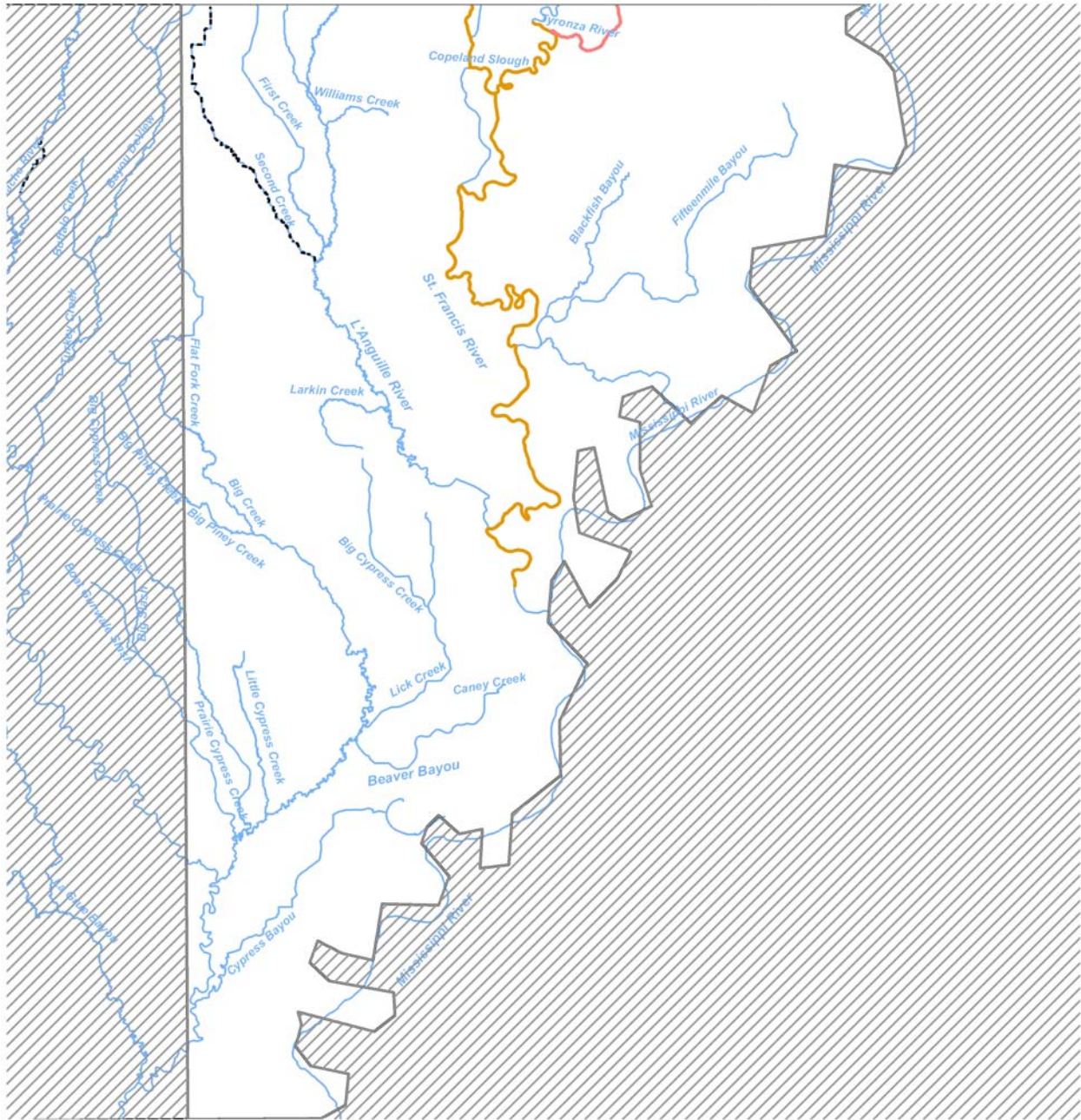







Plate D-5 (Delta)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

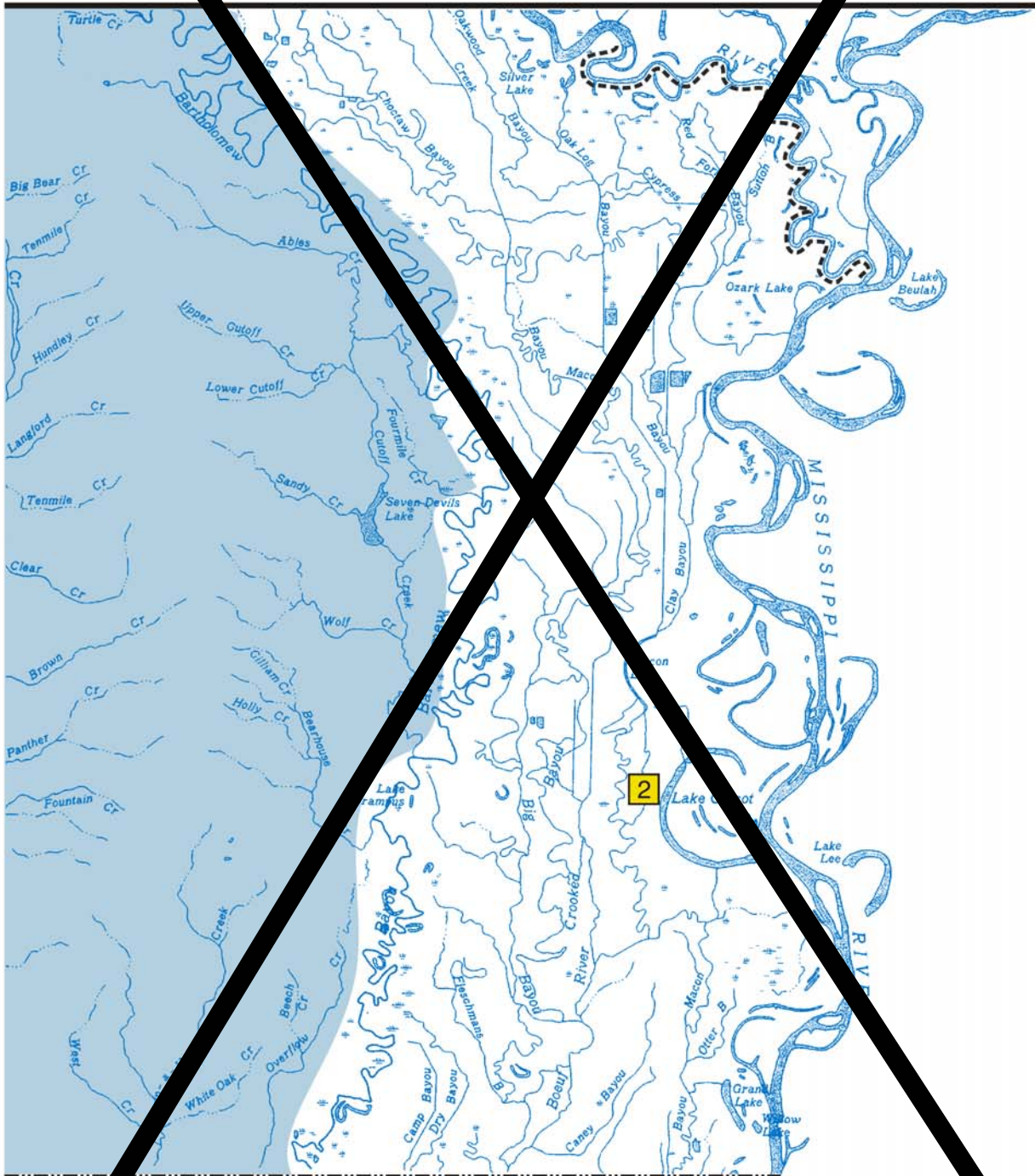
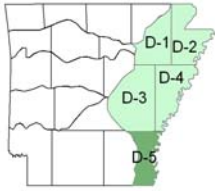
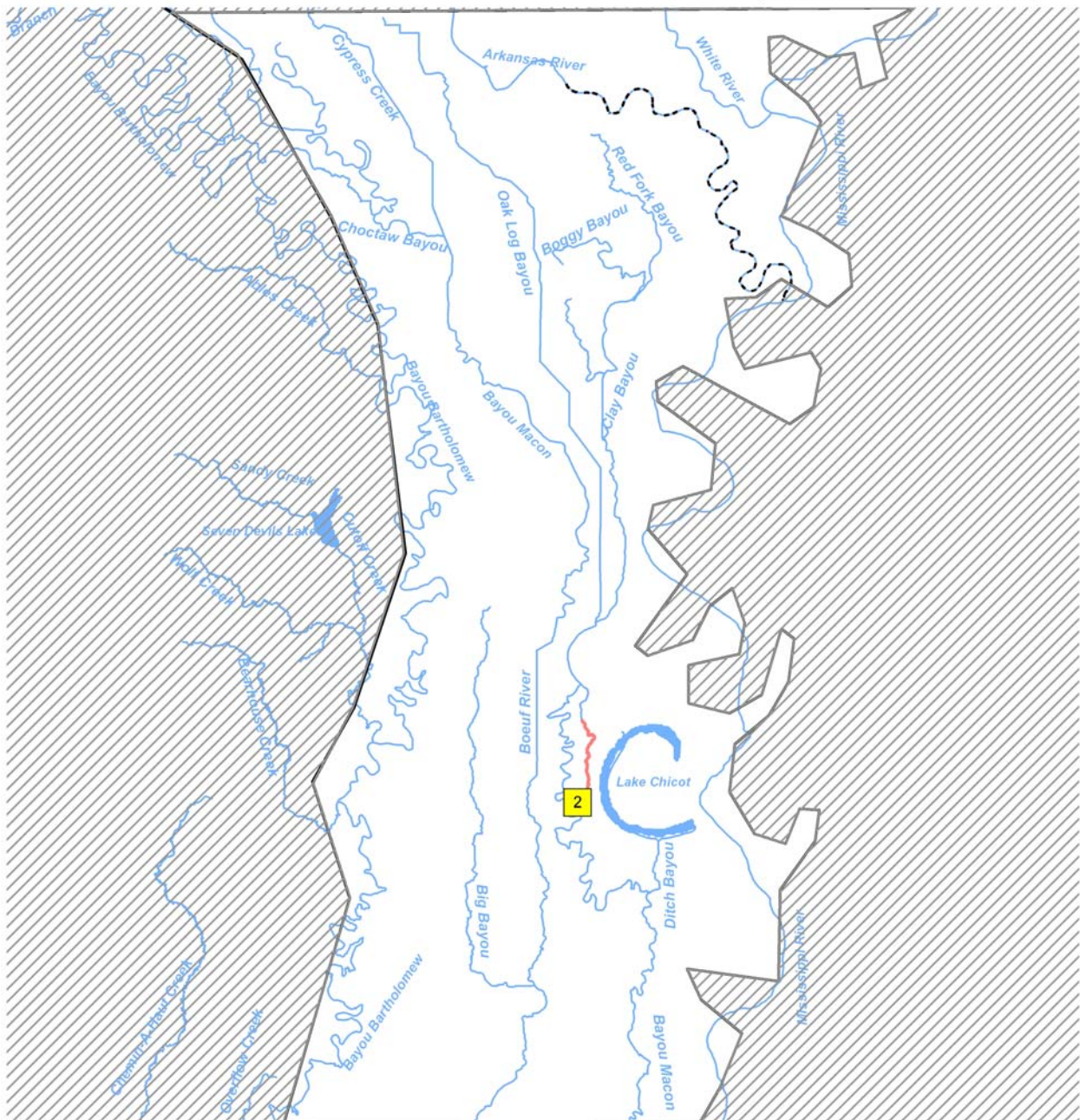


Plate D-5 (Delta)



LEGEND

- Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout_Waters



Second Amended Petition

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REGULATION NO. 2

APPENDIX B

Environmental Improvement Project

~~(September 28, 2007)~~

Second Amended Petition

Second Amended Petition

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APPENDIX B: ENVIRONMENTAL IMPROVEMENT PROJECT

Stricken language would be deleted from present law. Underlined language would be added to present law
State of Arkansas *As Engrossed: S2/21/97*

81st General Assembly **A Bill** ACT 401 OF 1997
Regular Session, 1997 HOUSE BILL 1563

By: Representatives Sheppard, Wallis, Lancaster, Johnson, and Horn
By: Senator Mahony

For An Act To Be Entitled

"AN ACT TO ENCOURAGE LONG-TERM ENVIRONMENTAL PROJECTS; AND
FOR OTHER PURPOSES."

Subtitle

"AN ACT TO ENCOURAGE LONG-TERM
ENVIRONMENTAL PROJECTS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Legislative Findings and Intent.

The General Assembly hereby finds that many areas of the state would benefit from long-term environmental remediation projects that significantly improve the effects caused by industrial or extractive activities. However, commitments by private enterprise to remedy such damages are discouraged by the prospect of civil liability based upon rigid application of state water quality standards to the enterprises activities. The purpose of this act is to preserve the states approach to establishing water quality standards, while also encouraging private enterprises to make significant improvements to closed or abandoned sites that are of such magnitude that more than three (3) years will be required to complete the project.

SECTION 2. Definitions and Applicability.

For the purposes of this act:

(1) "Long-term Improvement Project" or "Project" means any remediation or reclamation project at closed or abandoned:

- (A) Mineral Extraction Sites;
- (B) Solid Waste Management Units as defined pursuant to the Arkansas Hazardous Waste Management Act;
- (C) Oil and Gas Extraction Sites;
- (D) Brownfield Sites as defined in Act 125 of 1995 or as may be amended; and
- (E) Hazardous Substance Sites listed on the National Priority List (42 U.S.C. Section 9605), or State Priority List (Arkansas Code 8-7-509(e), or as may be amended.

(2) "Water Quality Standard" means standards developed through administrative rulemaking by the Commission;

Second Amended Petition

1 (3) "Commission" means the Arkansas Pollution Control and Ecology Commission; and

2 (4) "Department" means the Arkansas Department of Pollution Control and Ecology.

3 SECTION 3. Procedures for approval of environmental projects, contents of
4 applications, and public notice.

5 (a) A petitioner seeking approval of a change in water quality standards to accommodate
6 a long-term environmental improvement project shall file with the Department a Notice of Intent,
7 which includes as a minimum:

8 (1) A description of the water body or stream segment affected by the project;

9 (2) The existing ambient water quality for the use of criteria at issue;

10 (3) The affected water quality standard;

11 (4) The modifications sought;

12 (5) The proposed remediation activities;

13 (6) A proposed Remediation Plan, which shall contain:

14 (A) A description of the existing conditions, including identification of
15 the conditions limiting the attainment of the water quality standards;

16 (B) A description of the proposed water quality standard modification,
17 both during and post project;

18 (C) A description of the proposed remediation plan; and

19 (D) The anticipated collateral effects, if any, of the Remediation Plan; and

20 (7) A schedule for implementing the Remediation Plan that ensures that the post
21 project water quality standards are met as soon as reasonably practicable.

22 (b) The department shall cause notice of the proposed project and associated water
23 quality standard changes described in subsection (a) to be published for public notice and
24 comment in the same manner as provided for permit applications in Arkansas Code 8-4-203(b),
25 and shall advise the public that the details of the proposed project are available for public review.

26 (c) After considering comments from the public, the department shall notify the
27 petitioner as to whether the proposed project is approved or denied. The department may deny
28 approval of a project if it reasonably concludes that the plan is not complete, the plan is not
29 technically sound, the schedule is unrealistic, the plan will not have an overall beneficial effect
30 for the environment, or other appropriate reasons. Any department determination on the
31 approval or denial of a project is subject to the appeal procedures applicable to permitting
32 decisions set out in Arkansas Code 8-4-205.

33 (d) Upon approval of the project for further development, the petitioner shall prepare
34 documentation required for third-party rulemaking by Arkansas Code 8-4-202 and established in
35 administrative procedures.

36
37 SECTION 4. Modification of Water Quality Standards.

38 (a) The commission may approve a modification where the water quality standard is not
39 being maintained due to conditions which may, in part or in whole, be corrected through the
40 implementation of long-term measures. The commission shall establish such subcategory of use
41 and modify such general and specific standards as it deems appropriate to reflect such
42 modification while ensuring that the fishable/swimmable use is maintained. In all water quality
43 standard changes associated with long-term environmental projects, the remedial action plan
44 described in subsection (a) of Section 3 of this act shall be incorporated by reference in the
45 statement of basis and purpose of the rule and shall be considered an essential condition of the
46 modified water quality standard.

Second Amended Petition

1 (b) Once the commission approves a water quality standard modification, the department
2 shall ensure that conditions and limitations designed to achieve compliance with the plan are
3 established in applicable discharge permits, consent administrative orders, or such other
4 enforcement measures deemed appropriate by the department. The department may allow
5 modifications by the petitioner to the remediation plan and schedule as is deemed appropriate,
6 provided that any such modifications to the original remedial action plan shall not render the
7 project significantly less protective of the applicable use subcategory. Should the department
8 find that the petitioner is not acting in good faith to complete the project in accordance with the
9 approved plan, applicable and appropriate enforcement authority may be exercised subject to
10 appeal to the commission.

11 (c) The department or the petitioner shall report annually to the commission on the
12 progress of the project.

13
14 SECTION 5. Project Completion.

15 At the end of the project the post project water quality standards shall be in full force and
16 effect.

17
18 SECTION 6. All provisions of this act of a general and permanent nature are amendatory
19 to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall
20 incorporate the same in the Code.

21
22 SECTION 7. If any provision of this act or the application thereof to any person or
23 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
24 the act which can be given effect without the invalid provision or application, and to this end the
25 provisions of this act are declared to be severable.

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27 SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.

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31 /s/Sheppard et al
32 APPROVED:3-07-97
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Second Amended Petition

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**



**REGULATION NO. 2
APPENDIX C**

Scientific Names of Fishes

~~(September 28, 2007)~~ (, 2010)

Second Amended Petition

APPENDIX C: SCIENTIFIC NAMES OF FISHES

<u>Common Name</u>	<u>Species</u>	<u>Family</u>
Banded sculpin	<i>Cottus carolinae</i>	Cottidae
Banded pygmy sunfish	<i>Elassoma zonatum</i>	Elassomatidae
Bigeye shiner	<i>Notropis boops</i>	Cyprinidae
Black redhorse	<i>Moxostoma duquesnei</i>	Catostomidae
Blackside darter	<i>Percina maculata</i>	Percidae
Blacktail redhorse	<i>Moxostoma poecilurum</i>	Catostomidae
Blacktail shiner	<i>Notropis venustus</i> <i>Cyprinella venusta</i>	Cyprinidae
Bleeding shiner	<i>Luxilus zonatus</i>	Cyprinidae
Bluegill	<i>Lepomis macrochirus</i>	Centrarchidae
Bluntnose minnow	<i>Pimephales notatus</i>	Cyprinidae
Bluntnose darter	<i>Etheostoma chlorosomum</i> <i>chlorosoma</i>	Percidae
Cardinal shiner	<i>Luxilus cardinalus</i>	Cyprinidae
Carp	<i>Cyprinus carpio</i>	Cyprinidae
Channel catfish	<i>Ictalurus punctatus</i>	Ictaluridae
Creek chubsucker	<i>Erimyzon oblongus</i>	Catostomidae
Creole darter	<i>Etheostoma collettei</i>	Percidae
Current River darter	<i>Etheostoma uniporum</i>	Percidae
Drum	<i>Aplodinotus grunniens</i>	Sciaenidae
Dusky darter	<i>Percina sciera</i>	Percidae
Duskystripe shiner	<i>Luxilus pilsbryi</i>	Cyprinidae
Emerald shiner	<i>Notropis atherinoides</i>	Cyprinidae
Fantail darter	<i>Etheostoma flabellare</i>	Percidae
Flier	<i>Centrarchus macropterus</i>	Centrarchidae
Freckled madtom	<i>Noturus nocturnus</i>	Ictaluridae
Gizzard shad	<i>Dorosoma cepedianum</i>	Clupeidae
Golden redhorse	<i>Moxostoma erythrurum</i>	Catostomidae
Redfin pickerel	<i>Esox americanus</i>	Esocidae
Gravel chub	<i>Hybopsis punctata</i> <i>Erimystax x-punctatus</i>	Cyprinidae
Green sunfish	<i>Lepomis cyanellus</i>	Centrarchidae
Greenside darter	<i>Etheostoma blennioides</i>	Percidae
Largemouth bass	<i>Micropterus salmoides</i>	Centrarchidae
Longear sunfish	<i>Lepomis megalotis</i>	Centrarchidae
Longnose darter	<i>Percina nasuta</i>	Percidae
Madtoms	<i>Noturus sp.</i>	Ictaluridae
Mosquitofish	<i>Gambusia affinis</i>	Poeciliidae
Northern hogsucker	<i>Hypentelium nigricans</i>	Catostomidae
Northern studfish	<i>Fundulus catenatus</i>	Cyprinodontidae
Orangebelly darter	<i>Etheostoma radiosum</i>	Percidae

Second Amended Petition

<u>Common Name</u>	<u>Species</u>	<u>Family</u>
Orangespotted sunfish	<i>Lepomis humilis</i>	Centrarchidae
Orangethroat darter	<i>Etheostoma spectabile</i>	Percidae
Ozark madtom	<i>Noturus albater</i>	Ictaluridae
Ozark minnow	<i>Notropis nubilus</i>	Cyprinidae
Pirate perch	<i>Aphredoderus sayanus</i>	Aphredoderidae
Pugnose minnow	Notropis <i>Opsopoeodus emiliae</i>	Cyprinidae
Rainbow darter	<i>Etheostoma caeruleum</i>	Percidae
Redfin darter	<i>Etheostoma whipplei</i>	Percidae
Redfin shiner	<i>Lythrurus umbratilis</i>	Cyprinidae
Ribbon shiner	<i>Lythrurus fumeus</i>	Cyprinidae
"Rock basses"	<i>Ambloplites sp.</i>	Centrarchidae
Scaly sand darter	<i>Ammocrypta vivax</i>	Percidae
Shadow bass	<i>Ambloplites ariommus</i>	Centrarchidae
Slender madtom	<i>Noturus exilis</i>	Ictaluridae
Slough darter	<i>Etheostoma gracile</i>	Percidae
Smallmouth bass	<i>Micropterus dolomieu</i>	Centrarchidae
Smallmouth buffalo	<i>Ictiobus bubalus</i>	Catostomidae
Southern redbelly dace	<i>Phoxinus erythrogaster</i>	Cyprinidae
Spotted bass	<i>Micropterus punctulatus</i>	Centrarchidae
Spotted sucker	<i>Minytrema melanops</i>	Catostomidae
Spotted sunfish	<i>Lepomis punctatus</i>	Centrarchidae
Spotted gar	<i>Lepisosteus oculatus</i>	Lepisosteidae
Strawberry River darter	<i>Etheostoma fragi</i>	Percidae
Striped shiner	Notropis <i>Luxilus chrysocephalus</i>	Cyprinidae
Tadpole madtom	<i>Noturus gyrinus</i>	Ictaluridae
Warmouth	<i>Lepomis gulosus</i>	Centrarchidae
Wedgespot shiner	<i>Notropis greenei</i>	Cyprinidae
Whitetail shiner	Notropis galacturus <i>Cyprinella galactura</i>	Cyprinidae
Yellow bullhead	<i>Ameiurus natalis</i>	Ictaluridae

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 2.

APPENDIX D

~~PROCEDURES FOR OBTAINING DIRECTOR'S
DETERMINATION ON THE PROPOSED PHYSICAL
ALTERATION OF AN EXTRAORDINARY
RESOURCE WATERS, ECOLOGICALLY
SENSITIVE WATERBODY, OR NATURAL AND
SCENIC WATERWAY~~

~~(September 28, 2007)~~ (, 2010)

Second Amended Petition

APPENDIX D: PROCEDURES FOR OBTAINING DIRECTOR'S DETERMINATION ON THE PROPOSED PHYSICAL ALTERATION OF AN EXTRAORDINARY RESOURCE WATERS, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY LIST OF CURRENT EXTRAORDINARY RESOURCE WATERS, ECOLOGICALLY SENSITIVE WATERBODIES, AND NATURAL AND SCENIC WATERWAYS

I. CONTENTS OF REQUEST FOR DETERMINATION

Any person may submit a written request to the Department seeking a determination on whether or not a proposed project will constitute a significant physical alteration of the habitat of an extraordinary resource water, ecologically sensitive waterbody, or natural and scenic waterbody. Such request shall include, at a minimum:

- ~~(A) A map depicting the location of the proposed project and the area to be altered by the project;~~
- ~~(B) A description of the project, including detailed design plans;~~
- ~~(C) An analysis of alternatives to the proposed project, including: an environmental assessment of the impacts of each alternative, the costs associated with each alternative, an engineering and economic analysis, and a socio-economic evaluation of the project to the local area; and~~
- ~~(D) A technical report containing supporting documentation to demonstrate that the proposed project:
 - ~~(1) will not impair water quality;~~
 - ~~(2) will not impair the natural flow regime; and~~
 - ~~(3) will not impair the habitat of fish, shellfish, or other forms of aquatic life~~~~

II. DEPARTMENT REVIEW OF REQUEST

~~(A) Upon receipt of the request and supporting documentation identified above, the Department shall review the alternatives analysis referenced in Appendix D, I(C). The Department may consult with professionals, as necessary, in reviewing the report. The Department shall review the alternatives analysis in order to:~~

- ~~(1) ensure that the alternatives analysis is complete;~~
- ~~(2) evaluate whether the analysis adequately addresses the environmental, social, and economic costs and impacts of each alternative; and~~
- ~~(3) determine whether any feasible alternatives exist for the proposed project.~~

~~(B) Following review of the alternatives analysis, the Department will review the technical report referenced in Appendix D, I(D). The Department may consult with professionals, as necessary, in reviewing the report. The Department shall review the technical report to evaluate the impacts of the proposed project on water quality, instream~~

Second Amended Petition

flow, and aquatic habitat. The Department will develop guidelines for drafting the technical report and identifying issues to be addressed.

III. DIRECTOR'S DETERMINATION

(a) Upon completing its review of the written request and supporting information, the Director shall issue a draft determination. The Director's draft determination shall include a written statement setting out the reasons for the determination and provide a draft decision on the proposed project which shall either:

- 1) authorize, with conditions as necessary, the alteration of the habitat because the proposed project does not constitute a significant alteration of the habitat and no feasible alternatives exist to the proposed project; or
- 2) deny the request to alter the habitat because:
 - (i) the proposed project constitutes a significant alteration of the habitat which is prohibited by Reg. 2.304(a); or
 - (ii) feasible alternatives to the proposed project exist.

(b) Public notice, notice of a public comment period, and notice of any public hearing on the Director's draft determination shall be provided in the same manner as that provided for a draft permit decision in Regulation No. 8. Thereafter, the Director shall issue a final determination. The final determination shall be issued and notice provided in the same manner as that provided for the issuance and notice of a final permitting decision in Regulation No. 8. The Director's determination may be appealed to the Commission in the same manner as permit appeals are provided for in Regulation No. 8.

IV. REQUIREMENT FOR SHORT TERM ACTIVITY AUTHORIZATION

If the Director authorizes the alteration of the habitat of an extraordinary resource water, ecologically sensitive waterbody, or natural and scenic waterway, then the party requesting the Director's Determination shall submit to the Department a request for a short term activity authorization in accordance with the requirements of Reg. 2.305.

V. OTHER REQUIRED PERMITS NOT WAIVED

Nothing contained herein shall be construed to relieve the petitioner of the requirements to obtain any other permit for the proposed project required by state or federal law.

Extraordinary Resource Waters

<u>Stream Name</u>	<u>Ecoregion</u>	<u>Plate</u>
<u>Alum Fork Saline River</u>	<u>Ouachita Mountains</u>	<u>OM-2</u>
<u>Archey Creek</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Arkansas River</u>	<u>Delta</u>	<u>D-5</u>
<u>Beech Fork</u>	<u>Boston Mountains</u>	<u>BM-3</u>
<u>Big Creek</u>	<u>Arkansas River Valley</u>	<u>ARV-3</u>
<u>Big Creek</u>	<u>Ozark Highlands</u>	<u>OH-4</u>
<u>Big Fork Creek</u>	<u>Ouachita Mountains</u>	<u>OM-1</u>
<u>Big Piney Creek</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Buffalo River</u>	<u>Boston Mountains</u>	<u>BM-1, BM-2</u>
<u>Buffalo River</u>	<u>Ozark Highlands</u>	<u>OH-2, OH-3</u>
<u>Bull Shoals Reservoir</u>	<u>Ozark Highlands</u>	<u>OH-2, OH-3</u>
<u>Cache River</u>	<u>Delta</u>	<u>D-3</u>
<u>Caddo River</u>	<u>Ouachita Mountains</u>	<u>OM-1, OM-2</u>
<u>Cadron Creek</u>	<u>Arkansas River Valley</u>	<u>ARV-2, ARV-3</u>
<u>Caney Creek</u>	<u>Ouachita Mountains</u>	<u>OM-1</u>
<u>Cossatot River</u>	<u>Ouachita Mountains</u>	<u>OM-1</u>
<u>Current River</u>	<u>Ozark Highlands</u>	<u>OH-4</u>
<u>DeGray Reservoir</u>	<u>Ouachita Mountains</u>	<u>OM-2</u>
<u>Devils Fork of Little Red River</u>	<u>Boston Mountains</u>	<u>BM-3</u>
<u>East Fork Cadron Creek</u>	<u>Arkansas River Valley</u>	<u>ARV-2, ARV-3</u>
<u>East Fork Illinois Bayou</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Eleven Point River</u>	<u>Ozark Highlands</u>	<u>OH-4</u>
<u>English Creek</u>	<u>Ozark Highlands</u>	<u>OH-4</u>
<u>Falling Water Creek</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Field Creek</u>	<u>Ozark Highlands</u>	<u>OH-4</u>
<u>Gut Creek</u>	<u>Ozark Highlands</u>	<u>OH-4</u>
<u>Hurricane Creek</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Illinois Bayou</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Kings River</u>	<u>Boston Mountains</u>	<u>BM-1</u>
<u>Kings River</u>	<u>Ozark Highlands</u>	<u>OH-2</u>
<u>Lake Ouachita</u>	<u>Ouachita Mountains</u>	<u>OM-1, OM-2</u>
<u>Lee Creek</u>	<u>Boston Mountains</u>	<u>BM-1</u>
<u>Lick Creek</u>	<u>Boston Mountains</u>	<u>BM-3</u>
<u>Little Missouri River</u>	<u>Ouachita Mountains</u>	<u>OM-1</u>
<u>Little Raccoon Creek</u>	<u>Boston Mountains</u>	<u>BM-3</u>
<u>Little Strawberry River</u>	<u>Ozark Highlands</u>	<u>OH-3</u>
<u>Middle Fork Illinois Bayou</u>	<u>Boston Mountains</u>	<u>BM-2</u>
<u>Middle Fork Saline River</u>	<u>Ouachita Mountains</u>	<u>OM-2</u>
<u>Middle Fork of Little Red River</u>	<u>Boston Mountains</u>	<u>BM-2, BM-3</u>
<u>Mountain Fork River</u>	<u>Ouachita Mountains</u>	<u>OM-1</u>
<u>Mulberry River</u>	<u>Arkansas River Valley</u>	<u>ARV-1</u>
<u>Mulberry River</u>	<u>Boston Mountains</u>	<u>BM-1, BM-2</u>
<u>Myatt Creek</u>	<u>Ozark Highlands</u>	<u>OH-3, OH-4</u>

Extraordinary Resource Waters Continued

<u>Stream Name</u>	<u>Ecoregion</u>	<u>Plate</u>
North Fork Cadron Creek	Arkansas River Valley	ARV-2, ARV-3
North Fork Illinois Bayou	Boston Mountains	BM-2
North Fork Saline River	Ouachita Mountains	OM-2
North Sylamore Creek	Ozark Highlands	OH-3
Raccoon Creek	Boston Mountains	BM-3
Richland Creek	Boston Mountains	BM-2
Salado Creek	Boston Mountains	BM-3
Saline River	Gulf Coastal Plain	GC-2, GC-3
Saline River	Ouachita Mountains	OM-2
Second Creek	Delta	D-4
South Fork Caddo River	Ouachita Mountains	OM-1
South Fork Saline River	Ouachita Mountains	OM-2
South Fork Spring River	Ozark Highlands	OH-3, OH-4
Spring River	Ozark Highlands	OH-4
Strawberry River	Delta	D-1
Strawberry River	Ozark Highlands	OH-3, OH-4
Tomahawk Creek	Boston Mountains	BM-3
Turkey Creek	Boston Mountains	BM-3
Two Bayou Prairie	Delta	D-3

Natural and Scenic Waterways

<u>Stream Name</u>	<u>Ecoregion</u>	<u>Plate</u>
Big Piney Creek	Boston Mountains	BM-2*
Brushy Creek	Ouachita Mountains	OM-1
Buffalo River	Boston Mountains	BM-1, BM-2
Buffalo River	Ozark Highlands	OH-2, OH-3
Cossatot River	Ouachita Mountains	OM-1
Hurricane Creek	Boston Mountains	BM-2*
Kings River	Boston Mountains	BM-1
Kings River	Ozark Highlands	OH-2
Little Missouri River	Ouachita Mountains	OM-1
Mulberry River	Arkansas River Valley	ARV-1
Mulberry River	Boston Mountains	BM-1, BM-2
North Sylamore Creek	Ozark Highlands	OH-3*
Richland Creek	Boston Mountains	BM-2*
Saline River	Gulf Coastal Plain	GC-3
Strawberry River	Ozark Highlands	OH-3, OH-4

* As designated in the National Wild and Scenic Rivers System

Ecologically Sensitive Water Bodies

<u>Stream Name</u>	<u>Ecoregion</u>	<u>Plate</u>
Alum Fork Saline River	Ouachita Mountains	OM-2
Archey Creek	Boston Mountains	BM-2
Beech Fork	Boston Mountains	BM-3
Black River	Delta	D-1
Brushy Creek	Ouachita Mountains	OM-1
Caddo River	Ouachita Mountains	OM-1
Caney Creek	Ouachita Mountains	OM-1
Collier Creek	Ouachita Mountains	OM-1
Cossatot River	Ouachita Mountains	OM-1
Current River	Ozark Highlands	OH-4
Departee Creek	Delta	D-1
Devils Fork Little Red River	Boston Mountains	BM-3
Eleven Point River	Ozark Highlands	OH-4
Grassy Lake	Gulf Coastal Plain	GC-1
Illinois River	Ozark Highlands	OH-1
Little Missouri River	Ouachita Mountains	OM-1
Little Raccoon Creek	Boston Mountains	BM-3
Little Red River	Gulf Coastal Plain	GC-1
Little Strawberry River	Ozark Highlands	OH-3
Lick Creek	Boston Mountains	BM-3
Lick Creek	Ouachita Mountains	OM-1
Mayberry Creek	Ouachita Mountains	OM-2
Middle Fork Little Red River	Boston Mountains	BM-2, BM-3
Middle Fork Saline River	Ouachita Mountains	OM-2
Mill Creek	Ouachita Mountains	OM-1
Missouri River	Gulf Coastal Plain	GC-2
Mountain Fork River	Ouachita Mountains	OM-1
North Fork Saline River	Ouachita Mountains	OM-2
Otter Creek	Ozark Highlands	OH-3
Ouachita River	Ouachita Mountains	OM-1
Ouachita River	Gulf Coastal Plain	GC-2, GC-4
Polk Creek	Ouachita Mountains	OM-1
Robinson Creek	Ouachita Mountains	OM-1
St. Francis River	Delta	D-4
Saline River	Ouachita Mountains	OM-2
Saline River	Gulf Coastal Plain	GC-3
South Fork Caddo River	Ouachita Mountains	OM-1
South Fork Ouachita River	Ouachita Mountains	OM-1
South Fork Saline River	Ouachita Mountains	OM-2
Ten Mile Creek	Ouachita Mountains	OM-2
Raccoon Creek	Boston Mountains	BM-3
Right Hand Chute Little River	Delta	D-2

Ecologically Sensitive Water Bodies Continued

<u>Stream Name</u>	<u>Ecoregion</u>	<u>Plate</u>
Rock Creek	Ouachita Mountains	OM-1
Rock Creek	Ozark Highlands	OH-4
South Fork Little Red River	Boston Mountains	BM-2
Spring River	Ozark Highlands	OH-4
Straight Slough	Delta	D-2, D-4
Strawberry River	Ozark Highlands	OH-3, OH-4
Tomahawk Creek	Boston Mountains	BM-3
Turkey Creek	Boston Mountains	BM-3
Various springs & spring-fed tributaries	Ozark Highlands	OH-1, OH-2, OH-3
White River	Boston Mountains	BM-1
Yellow Creek	Gulf Coastal Plain	GC-1

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**



REGULATION NO. 2.

APPENDIX E

**Criteria to be Considered in Determining
Whether the Designated Use of
Extraordinary Resource Water, Ecologically
Sensitive Waterbody, or Natural and Scenic
Waterway Should be Maintained**

~~(September 28, 2007)~~ (, 2010)

Second Amended Petition

APPENDIX E: CRITERIA TO BE CONSIDERED IN DETERMINING WHETHER THE DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND SCENIC WATERWAY SHOULD BE MAINTAINED

The determination of whether a designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway should be maintained in a given waterbody must be made on a case by case basis. At least 180 days prior to filing any petition authorized under Section 2.310 to initiate rulemaking with the Commission to remove the designated use of Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway from a free flowing waterbody for the purpose of constructing a reservoir to provide a domestic water supply, the petitioner shall submit to the Department information and supporting documentation which address each of the following:

- (A) Describe generally and specifically the state of the existing water quality;
- (B) Identify the presence of key and indicator species of fish adapted to flowing water systems and state the extent to which these species are present in the waterbody;
- (C) Describe the extent to which water quality and physical habitat, including wetlands, support other plant or animal life and identify the species;
- (D) Identify the presence of, and state the extent to which, other wildlife uses are dependent upon the waterbody;
- (E) State the extent to which water quality and physical habitat support threatened, endangered, or endemic aquatic or semi-aquatic species and identify those species;
- (F) Specify the extent to which the waterbody supports a high diversity of aquatic species and identify the presence and frequency of the species;
- (G) Describe and identify the extent to which physical or chemical characteristics of the waterbody provide an unusual or uncommon aquatic habitat;
- (H) Describe the extent to which physical or chemical characteristics give the waterbody unusual or unique aesthetic attributes;
- (I) Specify the extent of the use of the waterbody for recreation in or on the water, such as fishing, swimming, and boating (including but not limited to canoeing, kayaking, or rafting), or use of the waterbody for commercial activity, including tourism;
- (J) Identify and describe the intangible social values associated with the free flowing characteristics of the waterbody;
- (K) Identify the presence and location of gorges, rapids, waterfalls, or other significant geologic features;
- (L) Identify the presence and location of scenic areas and sites potentially impacted by the reservoir;

Second Amended Petition

- (M) Identify the presence and location of rare and/or irreplaceable natural areas potentially impacted by the reservoir;
- (N) Identify the presence and location of known archeological sites potentially impacted by the reservoir;
- (O) Identify the presence and location of historic resources potentially impacted by the reservoir;
- (P) Delineate the extent to which the waterbody is located within the boundaries of, flows through, or is adjacent to state or federal forest land, parks, natural areas, nature preserves, refuges, or wildlife management areas;
- (Q) Describe the extent to which the waterbody is used for educational, scientific, or research purposes;
- (R) Identify the waterbody's use or potential use as an ecoregion reference stream;
- (S) Describe the land uses, and the geographical extent of each, occurring within the watershed;
- (T) Identify the presence and location of all permitted point sources discharging to the waterbody;
- (U) Identify the presence and location of existing alterations, diversions or man-made impoundments; and
- (V) Provide the frequency of occasions when there is no natural flow in the waterbody, and the 7Q10 flow values for the waterbody.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**



REGULATION NO. 2.

APPENDIX F

**Factors Considered In Adding the Designated
Use of Extraordinary Resource Water,
Ecologically Sensitive Waterbody, or Natural
and Scenic Waterway to a Waterbody or
Waterbody Segment**

(~~September 28, 2007~~) (, 2010)

Second Amended Petition

**APPENDIX F: FACTORS CONSIDERED IN ADDING THE
DESIGNATED USE OF EXTRAORDINARY RESOURCE WATER,
ECOLOGICALLY SENSITIVE WATERBODY, OR NATURAL AND
SCENIC WATERWAY TO A WATERBODY OR WATERBODY
SEGMENT**

The Commission shall consider the following supporting documentation in determining whether a waterbody should be designated as an Extraordinary Resource Water, Ecologically Sensitive Waterbody, or Natural and Scenic Waterway:

- (A) Location – The waterbody is within the boundaries of or flows through or is adjacent to state or federal forest land, parks, natural areas, nature preserves, refuges, or wildlife management areas, or the watershed may include remote, primitive, or relatively undeveloped areas;
- (B) Existing water quality – pristine, naturally-occurring, or unique;
- (C) Ecological value – The presence of water quality and physical habitat that supports threatened, endangered, or sensitive species, the presence of any threatened, endangered, or sensitive species, and/or water quality that supports an exceptional high diversity of aquatic species (fish or benthic macroinvertebrates) as categorized by an appropriate index of biological integrity (IBI) protocol;
- (D) Presence of physical or chemical characteristics that provide an unusual or uncommon aquatic habitat;
- (E) Special attributes of the waterbody that make it an outstanding resource, including but not limited to the presence of archeological sites, historical sites, or rare or valuable wildlife habitat;
- (F) Aesthetic Value- the presence of scenic areas or sites or scenic beauty resulting from natural features of the basin such as flow, topography, geology, ecology, physiography (i.e., waterfalls, gorges, rapids, or other special features), or the presence of characteristics giving the waterbody unique or unusual attributes;
- (G) Recreational Value- Use of the waterbody for:
 - (1) Fishing, rafting, kayaking, camping, family outings, backpacking, bird watching, etc.,
 - (2) Presence of hiking trails or scenic road or highway alongside, and
 - (3) Attracting tourism;
- (H) Use of the waterbody for educational, scientific, or research purposes;
- (I) Presence of rare and/or irreplaceable natural areas; and
- (J) Impacts the designation may have on current uses, upstream users, downstream users, and potential future uses of the waterbody or waterbody segment.

Second Amended Petition