

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 2, REGULATION ESTABLISHING) DOCKET NO. 10-002-R
WATER QUALITY STANDARDS FOR SURFACE)
WATERS OF THE STATE OF ARKANSAS)

PETITION TO WITHDRAW RULEMAKING TO AMEND REGULATION NO. 2
AND CLOSE RULEMAKING DOCKET

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”) for its
Petition to Withdraw Rulemaking to Amend Regulation No. 2 and to Close the Rulemaking
Docket states:

1. On May 27, 2010, the Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC”) initiated rulemaking for proposed changes to Regulation No. 2. Minute Order 10-18.
2. This proposed rulemaking, known as the “2010 Triennial Review,” was the culmination of the review of water quality standards that ADEQ is required by the Clean Water Act to do every three years.
3. A total of four public hearings were held in Fayetteville, Jonesboro, Arkadelphia and North Little Rock. The deadline for submitting public comments was August 4, 2010.
4. Twenty-one (21) written comments and seven (7) oral comments were received on the proposed rulemaking. ADEQ submitted a Responsive Summary to the Commission that addressed each issue raised in the public comments.
5. Commenters raised issues which were not part of this proposed rulemaking, and which ADEQ believes require extensive and additional stakeholder discussion.
6. ADEQ has determined that, at this time, the State’s water quality standards are protective of designated uses and the water quality necessary to protect those uses and that no

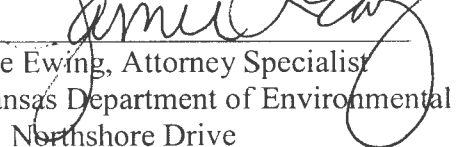
changes to Regulation No. 2 are necessary during this Triennial Review period.

Therefore, ADEQ respectfully requests that APC&EC grant our Petition to Withdraw this rulemaking, which will allow ADEQ to move forward with stakeholder meetings for what will be the “2013 Triennial Review.” Unresolved issues raised by commenters during the 2010 Triennial Review will be addressed through these stakeholder meetings.

7. Jamie Ewing, Steve Drown, or Ryan Benefield will be available to answer any questions about this Petition to Withdraw.
8. ADEQ respectfully requests that APC&EC adopt the attached proposed Minute Order (“Exhibit A”), which would withdraw the proposed rule change and close the rulemaking docket.

WHEREFORE, ADEQ requests that APC&EC grant this request to withdraw the proposed rule change and adopt the proposed Minute Order, which will close Docket No. 10-002-R.

Respectfully Requested,

By: 
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