

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO )  
REGULATION NO. 2, REGULATION ESTABLISHING ) DOCKET NO. 10-003-R  
WATER QUALITY STANDARDS FOR SURFACE )  
WATERS OF THE STATE OF ARKANSAS )

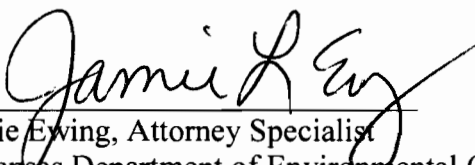
REQUEST TO SUBMIT CORRECTED PAGES TO MARKED-UP COPY OF REGULATION

On April 9, 2010, the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), submitted its Amended Petition to Initiate Rulemaking to Amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. After submitting the marked-up copy of the regulation, ADEQ found two errors in the proposed changes and respectfully requests that the Commission accept the attached corrected pages as part of the record of the proposed rulemaking.

The corrections are as follows:

- 1) On Page 5-2, in Reg.2.504, the parenthetical at the end of the first paragraph, “(refer to Reg.2.504 for mixing zone criteria.)” This language is not proposed to be inserted into the regulation.
- 2) On Page 5-6, in Reg.2.507, the numbers in the “Fecal Coliform” column were reversed in previous versions.

Respectfully Requested,

By:   
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## EXHIBIT A

### 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)
<b>Streams</b>		
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
<b>Lakes and Reservoirs</b>	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 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

(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>E. coli</u>		<u>Fecal Coliform</u>	
<u>Primary Contact</u>	<u>IS<sup>1</sup></u>	<u>GM<sup>2</sup></u>	<u>IS<sup>1</sup></u>	<u>GM<sup>2</sup></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:~~