

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF )  
REGULATION NO. 6, REGULATIONS FOR THE STATE ) DOCKET NO. 11-\_\_\_\_-R  
ADMINISTRATION OF THE NATIONAL POLLUTANT )  
DISCHARGE ELIMINATION SYSTEM (NPDES) )

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 6

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”), for its  
Petition to Initiate Rulemaking to Amend Regulation No. 6, Regulations for the State  
Administration of the National Pollutant Discharge Elimination System (NPDES), states:

1. ADEQ proposes that Chapter 5 of the regulation be removed. This Chapter addresses permitting requirements for concentrated animal feeding operations (hereinafter “CAFOs”) that utilize dry litter systems. In 2008, the U.S. Environmental Protection Agency (hereinafter “EPA”) finalized federal regulations governing NPDES permits for CAFOs. 40 C.F.R. § 122.23. The proposed change will delete this separate chapter for those facilities and incorporate the new federal regulations in the list of referenced federal regulations found in Regulation 6.104(A).
2. ADEQ proposes to add Reg. 6.203 which creates a permit by rule for stormwater discharges from small construction sites. These sites are smaller than five (5) acres but greater than one (1) acre. This provision was previously included in the Construction Stormwater general permit issued by ADEQ. However, ADEQ believes that a permit by rule is more properly located within the NPDES regulation. The requirements for small construction sites will remain unchanged from what was included in the general permit.
3. ADEQ proposes to add Reg. 6.205 which governs the financial assurance permitting requirements for non-municipal sewage treatment works. This new provision is copied directly from the financial assurance requirements found in the Arkansas Water and Air

Pollution Control Act, § 8-4-203(b)(1)(B). The General Assembly passed these provisions in 2007.

4. ADEQ also proposes several minor changes to bring the regulation into compliance with the Commission's Regulation Drafting Guidelines.
5. Jamie Ewing and Steve Drown from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", and a copy of the Financial Impact Statement for the proposed revisions is attached as Exhibit "C", both of which are incorporated by reference. The Economic Impact Statement filed with the Arkansas Economic Development Commission is attached as Exhibit "D" and is hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit "E" and is hereby incorporated by reference. A proposed minute order is attached as Exhibit "F" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process and adopt the proposed Minute Order.

Respectfully Submitted,

By:   
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