

**BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**IN THE MATTER OF AMENDEMENTS TO  
REGULATION NO. 6, REGULATIONS  
FOR STATE ADMINISTRATION OF THE  
NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES)**

**DOCKET NO. 16-004-R**

**MOTION TO WITHDRAW PETITION TO INITIATE RULEMAKING  
TO AMEND REGULATION NO. 6**

Comes now the Division of Environmental Quality<sup>1</sup> (DEQ), by and through its attorney, Basil V. Hicks III, and for its Motion to Withdraw Petition to Initiate Rulemaking to Amend Regulation No.6 states:

1. On August 15, 2016, the Arkansas Department of Environmental Quality (ADEQ) filed a Petition to Initiate Rulemaking to Amend Regulation No. 6: Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES). The Petition has been designated as Docket No. 16-004-R.
2. On August 26, 2016, the Arkansas Pollution Control and Ecology Commission (APC&EC or Commission) granted ADEQ's Petition to Initiate Rulemaking to Amend Regulation No. 6.
3. The notice of public hearing was first published on September 3 and 4, 2016, at ADEQ Headquarters in North Little Rock, Arkansas. Under this notice, the public hearing was scheduled for September 30, 2016, and a second public hearing was scheduled for October 4, 2016. The deadline for submission of written comments was October 19, 2016. At the September 30, 2016 public hearing, no written comments were submitted and no oral comments were

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<sup>1</sup> Pursuant to Act 910 of 2019, the Arkansas Transformation and Efficiencies Act, the former Arkansas Department of Environmental Quality is now the Division of Environmental Quality in the newly-created Department of Energy and Environment.

received at the public hearing. At the October 4, 2016 public hearing, one (1) written comment was received and three (3) oral comments were received at the public hearing. Thirty-five (35) written comments were received during the public comment period.

4. On September 16, 2016, and on September 20, 2016, ADEQ received written public comments from the Arkansas Bureau of Legislative Research.

5. The regulatory amendments have not yet been presented to the Public Health and Welfare Committees of Legislative Council or the Administrative Rules and Regulations Subcommittee of Legislative Council.

6. Recent legislation and the Governor's directive regarding confined animal operations in the Buffalo National River Watershed will require additional changes to Regulation No. 6. To avoid confusion, DEQ has determined that the pending regulatory amendments to Regulation No. 6 should be withdrawn.

WHEREFORE, DEQ respectfully requests that the Motion to Withdraw Petition to Initiate Rulemaking to Amend Regulation No. 6 be granted by adopting the attached Minute Order.

Respectfully submitted,



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