

**QUESTIONNAIRE
FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND
JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY

DIVISION

DIVISION DIRECTOR

CONTACT PERSON

ADDRESS

PHONE NO.:

FAX NO.:

TO: Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, Arkansas 72201

1. What is the short title of this rule? *Arkansas Department of Environmental Quality, Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas*
2. What is the subject of the proposed rule? Amendment to the site-specific temperature criterion for discharges to an unnamed tributary to Lake June in Lafayette County, Arkansas. *See Attachment A.*
3. Is this rule required to comply with federal statute or regulations?
Yes _____ No X
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes _____ No. X

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No X

Is this a new rule? Yes _____ No X

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes _____ No X. If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

5. Is this an amendment to an existing rule? Yes X No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substance changes. *See Attachment B.*
6. Cite the state law that grants the authority for this proposed rule? *If codified, please give Arkansas Code citation. Act 472 of the Acts of Arkansas for '949 as amended; Ark. Code Ann. 8-4 101 et seq.*
7. What is the purpose of the rule?

Why is it necessary? Entergy requests that the Arkansas Pollution Control and Ecology Commission amend Regulation No. 2 to promulgate a site specific protective temperature criterion of 95° F from the point where Entergy Outfall 002 discharges to the unnamed tributary to Lake June and corresponding designation that the 5° F limitation above natural temperature does not apply to that segment. A site-specific temperature criterion of 95°F will allow Entergy to substantially reduce groundwater pumping from the Sparta Aquifer for the purpose of cooling its discharge while maintaining designated uses in the unnamed tributary and Lake June.

8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following: *The exact date, time and location for the public hearing or hearings will be determined by ADEQ's Public Affairs Office.*

Date: TBD
Time: TBD
Place: TBD

9. When does the public comment period expire for permanent promulgation? (Must provide a date). *The period for receiving all written comments by the public shall conclude ten (10) business days after the date of the public hearing pursuant to Regulation No. 8, Part 3, Section 2.2.3, unless an extension of time is granted.*
10. What is the proposed effective date of this proposed rule? (must provide a date.)
The regulation becomes effective twenty days after filing of the final regulation as adopted by the Commission with the Secretary of State.
11. Do you expect the rule to be controversial? Yes _____ No X If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

For

Arkansas Environmental Federation

Arkansas Game and Fish Commission

Arkansas Department of Environmental Quality

Against

Unknown

Attachment "A"

Entergy Arkansas, Inc. ("Entergy") is requesting a modification of the Arkansas Water Quality Standards (WQS), Regulation No. 2 of the Arkansas Pollution Control and Ecology Commission in relation to the temperature criterion for an unnamed tributary to Lake June in Lafayette County, Arkansas. Entergy is requesting that the current 86°F ecoregion-based temperature criterion be modified to 95°F. There is no request to change any of the designated uses of Lake June.

Entergy operates the Harvey Couch steam electrical plant in Lafayette County, Arkansas. Non-contact cooling water is discharged into an unnamed tributary and to Lake June from Outfall 002. The discharge is authorized by the Arkansas Department of Environmental Quality (ADEQ) under the National Pollution Discharge Elimination System (NPDES) Permit No. AR0000493. Water discharged through Outfall 002 consists mainly of non-contact cooling water from the facility's cooling towers, roof drains, steam condensate, and air conditioning drains. The source of this non-contact cooling water is ground water from the Sparta Aquifer, which has been designated as a critical ground water area by the Arkansas Soil and Water Conservation Commission.

Lake June is designated as a Seasonal Gulf Coast Fishery, with an associated ecoregion water quality criterion for temperature of 86°F (30°C).

Compliance with the current temperature limit during summer months is achieved by adding cooler "raw" ground water from the Sparta Aquifer to the heated non-contact cooling water prior to discharge.

Entergy has conducted temperature impact assessments in the receiving stream and concluded that a site-specific temperature criterion of 35°C/95°F will be protective of water quality.

Pursuant to Section 2.308 of the WQS, Entergy is requesting that a site-specific temperature criterion of 95°F be promulgated for the point where Entergy's Outfall 002 discharges to the unnamed tributary to Lake June.

Attachment "B"

Blackline – page A-34 (Appendix A, Regulation 2)

Variations Supported by UAA

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

Unnamed tributary to Smackover Creek - headwaters to Smackover Creek, year round D.O. criteria - 2 mg/l (GC-2, #2)

Unnamed tributary to Flat Creek - from headwaters to Flat Creek, year round D.O. criteria - 2 mg/l (GC-2, #4)

Dodson Creek - from headwaters to confluence with Saline River, critical season D.O. standard - 3 mg/l (GC-4, #5)

Jug Creek - from headwaters to confluence with Moro Creek, critical season D.O. standard - 3 mg/l (GC-2, #6)

Lick Creek - from headwaters to Millwood Reservoir, critical season D.O. standard - 2 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 (GC-1, #9)

Bluff Creek and unnamed trib. - sulfates 651 mg/l; total dissolved solids 1033 mg/l (GC-1, #10)

Muddy Fork Little Missouri River - sulfates 250 mg/l; total dissolved solids 500 mg/l (GC-1, #24)

Little Missouri River - sulfates 90 mg/l; total dissolved solids 180 mg/l (GC-1, #25)

Mine Creek from Highway 27 to Millwood Lake - chlorides - 90 mg/l; sulfates - 65 mg/l; TDS - 700 mg/l (GC-1, #11)

Caney Creek - chlorides 113 mg/l; sulfates 283 mg/l; total dissolved solids 420 mg/l (GC-1, #12)

Bois d'Arc Creek from Caney Creek to Red River - chlorides 113 mg/l; sulfates 283 mg/l; dissolved solids 420 mg/l (GC-1, #13)

Town Creek below Acme tributary - sulfates 200 mg/l; TDS 700 mg/l (GC-4, #14)

Unnamed trib. from Acme - sulfates 330 mg/l; TDS 830 mg/l (GC-4, #14)

Gum Creek - chlorides 104 mg/L; TDS 311 mg/L (GC-2, #15)

Bayou de Loutre from Gum Creek to State line - Chlorides 250 mg/l; TDS solids 750 mg/l (GC-2, #16)

Walker Branch - chlorides 180 mg/l; total dissolved solids 970 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: 3 mg/L June and July; 4.5 mg/L August; 5 mg/L September through May. These seasonal criteria 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 should not be interpreted as violations of these criteria (GC-3, #26)

Alcoa unnamed trib. to Hurricane Cr. And Hurricane Cr. - 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)

Albamarle unnamed trib (AUT) to Horsehead Creek - chlorides 137 mg/l; TDS 383 mg/l (GC-2, #27)

Horsehead Creek from AUT to mouth - chlorides 85 mg/l; TDS 260 mg/l (GC-2, #27)

Bayou Dorcheat - sulfates 16 mg/l (GC-2, #27)

Dismukes Creek - chlorides 26 mg/L; TDS 157 mg/L (GC-2, #28)

Big Creek from Dismukes to Bayou Dorcheat - chlorides 20 mg/L; TDS 200 mg/L (GC-2, #28)

Bayou de Loutre from Great Lakes outfall to Loutre Creek - maximum water temperature 96°F (GC-2, #29)

Unnamed tributary 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).