

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

**IN RE: REQUEST BY ENTERGY ARKANSAS, INC.
FOR THIRD PARTY RULEMAKING TO
AMEND REGULATION NO. 2**

DOCKET NO. 05-001-R

REQUEST FOR ADOPTION OF PROPOSED CHANGE TO REGULATION NO. 2

Petitioner, Entergy Arkansas Inc., ("Entergy") hereby comes before the Arkansas Pollution Control and Ecology Commission ("Commission") for its request for adoption of the proposed change to APC&E Regulation No. 2 to amend Water Quality Standards of the State of Arkansas, and submits the following Statement of Basis and Purpose and Responsiveness Summary.

STATEMENT OF BASIS AND PURPOSE

1. The Commission entered Minute Order No. 05-09 granting Entergy Arkansas, Inc.'s request to initiate rulemaking on the proposed rule change.
2. Entergy's petition requests that the Commission amend Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas (hereafter "Regulation No. 2"), as follows.
3. Specifically, the proposed rule change would increase the maximum water temperature as follows:

In an unnamed tributary from Entergy Arkansas, Inc.'s outfall 002 to the confluence of Lake June, the maximum water temperature is increased from 86°F to 95°F.

4. Entergy operates the Harvey Couch steam electrical plant approximately two miles east of Stamps, Arkansas in Lafayette County. Water discharged through outfall 002 consists of non-contact cooling water from the facility's cooling towers. Power generation in warm weather (July, August, and September) causes temperature exceedances of the NPDES permit limit of 86°F. Exceedances are mitigated by pumping groundwater from the Sparta Aquifer to reduce the temperature of the heated discharge. Entergy has determined that a site-specific temperature criterion of 95°F will reduce the volume of groundwater used to cool the heated discharge water and will be protective of water quality and uses of the unnamed tributary and Lake June.
5. Entergy has submitted documentation in accordance with requirements of Section 2.306 of Regulation No. 2, along with additional documentation required pursuant to the Administrative Guidance Document.
6. In particular, Entergy's modification request is supported by the following:
 - a. The requested water quality standards modification is needed to reduce the use of groundwater from the Sparta Aquifer for the purposes of reducing the temperature of non-contact cooling water discharged from Outfall 002 to the unnamed tributary and to Lake June.

b. No petition for an increase in water temperature above historical levels is being proposed.

c. In-stream studies indicate that all designated uses in the affected stream segment will be maintained.

RESPONSIVENESS SUMMARY

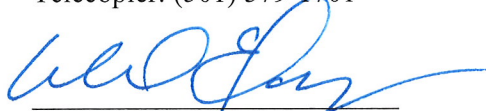
A public hearing was held in Stamps, Arkansas on July 21, 2005 to receive comments concerning the proposed change to the water quality standards of the site-specific temperature criterion. The public comment period ended on August 4, 2005.

No comments were received by ADEQ on the proposed rule change.

WHEREFORE, Petitioner Entergy Arkansas, Inc. hereby submits to the Commission the Statement of Basis and Purpose and Responsiveness Summary and respectfully requests the Adoption by Minute Order of the proposed change to APC&E Commission Regulation No. 2.

Respectfully submitted,

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William A. Eckert III
Arkansas Bar No. 78045

Certificate of Service

I, William A. Eckert III, state that I have on this 12th day of September, 2005, mailed a copy of the foregoing Request For Adoption of Proposed Change To Regulation No. 2 to Ms. Ellen Carpenter, Arkansas Department of Environmental Quality, 8001 National Drive, Little Rock, Arkansas 72219.


William A. Eckert III