

## EXECUTIVE SUMMARY

Arkansas Pollution Control & Ecology Commission Regulation No. 2 designates certain streams and waterbodies as extraordinary resource waters. Section 2.304 of Regulation No. 2 prohibits any activity that would result in any significant alteration of any extraordinary resource waters. River Valley Regional Water District proposes that the Commission amend Section 2.304 to establish a procedure by which regional water districts and other public water authorities would be able to request approval from the Pollution Control & Ecology Commission to use a waterbody designated as extraordinary resource waters as a source of drinking water supply. The procedure proposed by River Valley would have relatively narrow application. As proposed by River Valley:

- The procedure could be initiated only by a regional water distribution district or other public entity engaged in providing water to the public;
- The procedure could be invoked only for a project certified by the Natural Resources Commission as being in compliance with the State Water Plan;
- The procedure would require preparation of a formal environmental impact statement that meets the information and analytical standards established by the Council on Environmental Quality for federal agency environmental impact statements;
- The procedure would require at least 45 days of public notice and opportunity to comment on the proposal; and
- The procedure would require an affirmative vote of the Commission approving any proposal as having benefits that justify the anticipated adverse effects.

River Valley Regional Water District is a public, nonprofit regional water distribution district organized under the authority of Ark. Code Ann. § 14-16-101, et seq. to serve water users in the Crawford County area. River Valley is interested in the adoption of the proposed

amendment because it plans to utilize upper Lee Creek, which has been designated as an extraordinary resource water, as a source of drinking water supply. More specifically, River Valley plans to utilize water that would be impounded by the proposed Pine Mountain Dam, a Corps of Engineers project that has been authorized by Congress for many years and for which an environmental impact statement is currently being prepared. If the environmental impact statement indicates that the proposed Pine Mountain Dam is a meritorious project, with benefits that justify any potential adverse effects, River Valley expects that it will return to the Pollution Control & Ecology Commission to seek approval for the project. If the proposed amendment to Section 2.304 is adopted, River Valley would follow that procedure. If the proposed amendment is not adopted, the current provisions of Regulation No. 2 would require any public water authority seeking to use extraordinary resource waters as a source of drinking water supply to have the ERW designation removed altogether, thereby eliminating all attendant protections for the waterbody in question.