

**BEFORE THE ARKANSAS COMMISSION ON POLLUTION CONTROL &
ECOLOGY**

IN RE:

REQUEST BY EL DORADO)	
CHEMICAL COMPANY TO)	DOCKET NO. 06-009-R
INIATE RULEMAKING TO)	
AMEND REGULATION NO. 2)	

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE AND RESPONSIVENESS SUMMARY**

Pursuant to Minute Order 06-38, the Arkansas Department of Environmental Quality ("ADEQ") submits the following Statement of Basis and Purpose and Responsiveness Summary regarding the above captioned Third-Party Petition to Initiate Rulemaking to Amend Regulation No. 2. In its petition, El Dorado Chemical Company ("EDCC") requests modifications to the chloride, sulfate, and total dissolved minerals (TDS) criteria for certain waterbodies listed in Regulation No. 2, Arkansas Water Quality Standards. EDCC also requests the removal of the designated, but not existing domestic water supply use for (a) an unnamed tributary to Flat Creek to the mouth of Salt Creek; (b) an unnamed tributary to Flat Creek from EDCC Outfall 001 discharge to the confluence with unnamed tributary of Flat Creek; (c) certain sections of Flat Creek; and (d) certain sections of Haynes Creek.

Statement of Basis and Purpose

ADEQ does not oppose the proposed changes to Regulation No. 2 that are requested in EDCC's petition.

Responsiveness Summary

On November 13, 2006, a public hearing was held in El Dorado, Arkansas to receive public comments on the proposed rule changes. Four oral comments were received at the public hearing, with two of the four also submitting written comments. The public comment period ended November 29, 2006. No other comments were received within the public comment period.

Comment: One commenter was opposed to the changes because he opposed the lack of enforcement of water quality standards.

Response: ADEQ acknowledges this comment.

Comment: One commenter, representing Save the Ouachita, Inc., supported the proposed changes but reiterated his organization's opposition to the proposed El Dorado pipeline.

Response: ADEQ acknowledges this comment.

Comment: One commenter, representing EDCC, stated that the purpose of the rulemaking was to continue operating under existing conditions, which the company had demonstrated would not cause any adverse impacts on the environment.

Response: ADEQ acknowledges this comment.

Comment: One commenter stated that he was not necessarily opposed to the changes, but was concerned about monitoring.

Response: ADEQ acknowledges this comment. ADEQ continues active ambient monitoring on receiving streams in this area.

Submitted by:


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