

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
EL DORADO CHEMICAL
EL DORADO, AR**

DOCKET NO. 06-009-R

MINUTE ORDER NO. 10-_____

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On August 31, 2006, El Dorado Chemical Company (“EDCC”) Inc. filed a Petition to Initiate Third Party Rulemaking to Amend Regulation No. 2, Water Quality Standards (“Petition”). The rulemaking was approved by the Commission through Minute Order 07-19, but was not approved by EPA. On July 7, 2010 EDCC filed a petition to re-open the rulemaking to provide public comment on additional information prepared in support of the previously enacted rule, and to rescind part of the rule, and to otherwise address EPA’s comments.

Arkansas Pollution Control and Ecology Commission Minute Order No. 06-009-R authorized the initiation of rulemaking. One public hearing and a 45-day public comment period were held. In accordance with Regulation No. 8, a Statement and Basis and Purpose as well as a Responsiveness Summary were prepared for Commission review.

It is therefore, ORDERED:

1. EDCC requests that the following modifications to Regulation 2 that were approved through Minute Order 07-19 be rescinded:

- a. modify the dissolved minerals criteria for Flat Creek from mouth of the unnamed tributary (“UTA”) to the mouth of Haynes Creek as follows:
 - TDS from 123 mg/L to 560 mg/L
 - Sulfate from 31 mg/L to 67 mg/L
 - Chloride from 14 mg/L to 165 mg/L

- b. modify the dissolved minerals criteria for Haynes Creek from confluence of Flat and Salt Creeks downstream to confluence with Smackover Creek as follows:
 - TDS from 123 mg/L to 855 mg/L
 - Sulfate from 31 mg/L to 55 mg/L
 - Chloride from 14 mg/L to 360 mg/L

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2. That the Statement of Basis and Purpose and the Responsiveness Summary submitted by EDCC and the Statement of Basis and Purpose and Responsiveness Summary submitted by ADEQ are adopted by the Commission as part of this rulemaking proceeding.
3. That the ADEQ staff is directed to make these changes to Regulation No. 2.

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**PROMULGATED THIS ____ DAY OF _____, 2010 BY ORDER OF THE
ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION**

**ATTEST: _____
Teresa Mark, Director**

APPROVED: _____

COMMISSIONERS:

**J. Simpson
D. Hendrix
L. Bengel
S. Henderson
C. McGrew
D. Samples**

**J. Chamberlin
J. Shannon
L. Sickel
E. Valdez
B. White
R. Young**

Chair, W. Thompson

Submitted by: Charles R. Nestrud

DATE PASSED: _____