

EXHIBIT A

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

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 2, REGULATION)
ESTABLISHING WATER QUALITY) DOCKET NO. 07-004-R
STANDARDS FOR SURFACE WATERS)
OF THE STATE OF ARKANSAS)**

**STATEMENT OF BASIS AND PURPOSE
FOR AMENDMENTS TO REGULATION NO. 2**

The Arkansas Pollution Control and Ecology Commission (“Commission”) is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (“ADEQ”).

On April 13, 2007, the Bayou Meto Water Management District (“BMWMD”) filed a Petition to Adopt Emergency Rulemaking and to Initiate Rulemaking to Amend Regulation No. 2, Water Quality Standards for Surface Waters of the State of Arkansas. On April 27, 2007 the Commission adopted the Emergency Rule and initiated Rulemaking to consider adopting the proposed permanent Rule.

The Petitioner, BMWMD, seeks this rule change because it proposes to operate an agricultural irrigation project in the Bayou Meto Basin which will pump water from the Arkansas River into a series of streams, tributaries, ditches, and canals in the Delta Ecoregion before delivering the water to individual farms. The levels of chlorides and sulfates in the Arkansas River are higher than the criteria for Delta Ecoregion streams but lower than federal standards for drinking water. On February 28, 2007, ADEQ issued a conditional water quality

certification for the Bayou Meto Project setting forth that “[t]he mineral standards for chlorides and sulfates in the Delta Ecoregion Streams as identified in Regulation No. 2 must be revised prior to use of the water from the Arkansas River in the agricultural water supply portion of the project.” This proposed rule raises the mineral standards for chlorides and sulfates in recipient streams to allow the importation of water from the Arkansas River.

Specifically, BMWMD is requesting permanent modifications to the chloride standards from 48 mg/l to 95 mg/l and modifications to the sulfate standards from 37 mg/l to 45 mg/l for the entirety of Long Pond Slough, Castor Bayou, Cross Bayou, Little Bayou Meto, Bakers Bayou, Wabbaseka Bayou, Indian Bayou, Flat Bayou, Shumaker Branch, Skinner Branch, White Oak Branch, Caney Creek, Salt Bayou, Snow Bayou, Fish Trap Slough, Rickey Branch, Blue Point Ditch, Big Ditch, Main Ditch, Plum Bayou, Crooked Creek Ditch, Indian Bayou Ditch, Caney Creek Ditch, Salt Bayou Ditch, Bradley Slough, Tupelo Bayou, Dennis Slough, Buffalo Slough, Flynn Slough, Boggy Bayou, Bear Bayou, Bubbling Slough, Five Forks Bayou, Government Cypress Slough, Brushy Slough, Tipton Ditch, Hurricane Slough, Newton Bayou, West Bayou, Brownsville Branch, and Eagle Branch as well as Bayou Two Prairie from the point where this stream crosses the Pulaski/ Lonoke County line to its confluence with the Arkansas River. BMWMD also requests permanent modifications to the chloride standards from 64 mg/l to 95 mg/l and modifications to the sulfate standards from 37 mg/l to 45 mg/l for Bayou Meto Prairie from the point where this stream crosses the Pulaski/ Lonoke County line to its confluence with the Arkansas River.

BMWMD’s request is supported by the following:

- a. The requested modifications will not impair existing uses or preclude the attainment of any designated uses for these streams.

- b. The levels of chlorides and sulfates in the Arkansas River would have no measurable effect on aquatic life in the receiving Delta Ecoregion streams.
- c. Chloride and sulfate concentrations in the Arkansas River are well below both chronic and acute toxicity levels for fish and aquatic invertebrates.
- d. The levels of chlorides and sulfates in the Arkansas River will not adversely affect bottomland hardwoods or other surrounding wetlands.
- e. Treatment to reduce the levels of chlorides and sulfates in the Arkansas River water pumped into recipient streams is not required to meet existing or designated uses and would not add any significant environmental protection.

Respectfully submitted,

By _____

William N. Reed
701 E. Fordyce St.
P.O. Box 327
England, AR 72046-0327
(501) 842-2537
(501) 842-2538