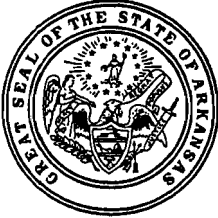


ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL  
SUITE 205  
LITTLE ROCK, ARKANSAS 72201  
PHONE: (501) 682-7890  
FAX: (501) 682-7891



March 5, 2008

Ms. Donna Davis  
Administrative Rules and Regulations Committee  
Room 433, State Capitol  
Little Rock, Arkansas 72201

**RECEIVED**

MAR 05 2008

BUREAU OF  
LEGISLATIVE RESEARCH

Re: Regulation No. 2, Water Quality Standards, Docket No.  
07-004-R - **SUBSTITUTED FILING**

Dear Ms. Davis:

Several weeks ago I spoke to you concerning an error that was brought to my attention by the Bayou Meto Water Management District ("Bayou Meto"). Bayou Meto filed a third party petition to revise the water quality standards on a number of streams in its district. Following notice to the public, public hearing, and legislative review of the proposed rule, the Arkansas Pollution Control and Ecology Commission ("Commission") adopted the revised water quality standards for those streams. Bayou Meto then sent an incorrect list of streams to the Arkansas Department of Environmental Quality and that list was included in the Regulation No. 2 that was filed with you as the final rule on November 15, 2007.

Pages A-40 and A-41 of Regulation No. 2 includes four streams that should not have been included in the regulation. Those four streams are: Brooks Branch, Buck Creek, Faras Run, and Lonoke Ditch. The Commission did not change the standards on these four streams. However, the Commission did adopt new water quality standards for Plum Bayou, Brownsville Branch, and Eagle Branch and these three streams were not listed on pages A-40 and A-41 of the regulation as they should have been.

Public notice of Bayou Meto's rulemaking was published on May 10 and 11, 2007, and it listed Plum Bayou, Brownsville Branch, and Eagle Branch. The public notice did not list Brooks Branch, Buck Creek, Faras Run, or Lonoke Ditch. A copy of the public notice is attached for your review.

On October 26, 2007, the Commission adopted the correct list of streams including Plum Bayou, Brownsville Branch, and Eagle Branch as set out in the Commission's Minute Order No. 07-41. A copy of Minute Order 07-41 is attached for your review. Please note that the Minute Order does not list Brooks Branch, Buck Creek, Faras Run, or Lonoke Ditch.

After discussing this with you, I am providing you with two hard copies of Regulation No. 2. The pages that have been corrected to reflect the correct information and that have been substituted for those filed on November 15, 2007 are: Pages 5-9, 5-10, A-40, and A-41.

I appreciate your assistance in this matter and if you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink that reads "Michael O'Malley". The signature is written in a cursive style with a large, prominent "M" and "O".

Michael O'Malley  
Administrative Hearing Officer

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL

SUITE 205

LITTLE ROCK, ARKANSAS 72201

PHONE: (501) 682-7890

FAX: (501) 682-7891



FILED  
ARK. REGISTER DIV.  
09 MAR -5 AM 11:16  
CHARLIE DANIELS  
SECRETARY OF STATE  
STATE OF ARKANSAS  
BY \_\_\_\_\_

March 5, 2008

Mr. Jon Davidson  
The Arkansas Register  
Secretary of State's Office  
State Capitol, Room 026  
Little Rock, Arkansas 72201

Re: Regulation No. 2, Water Quality Standards, Docket No.  
07-004-R - **SUBSTITUTED FILING**

Dear Mr. Davidson:

Several weeks ago I spoke to you concerning an error that was brought to my attention by the Bayou Meto Water Management District ("Bayou Meto"). Bayou Meto filed a third party petition to revise the water quality standards on a number of streams in its district. Following notice to the public, public hearing, and legislative review of the proposed rule, the Arkansas Pollution Control and Ecology Commission ("Commission") adopted revised water quality standard for those streams. Bayou Meto then sent an incorrect list of streams to the Arkansas Department of Environmental Quality and that list was included in the Regulation No. 2 that was filed with you on November 15, 2007.

Pages A-40 and A-41 of Regulation No. 2 includes four streams that should not have been included in the regulation. Those four streams are: Brooks Branch, Buck Creek, Faras Run, and Lonoke Ditch. The Commission did not change the standards on these four streams. However, the Commission did adopt new water quality standards for Plum Bayou, Brownsville Branch, and Eagle Branch and these three streams were not listed on pages A-40 and A-41 of the regulation as they should have been.

Public notice of Bayou Meto's rulemaking was published on May 10 and 11, 2007, and it listed Plum Bayou, Brownsville Branch, and Eagle Branch. The public notice did not list Brooks

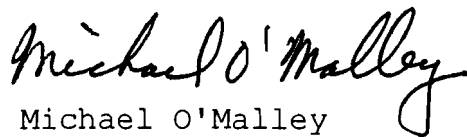
Branch, Buck Creek, Faras Run, or Lonoke Ditch. A copy of the public notice is attached for your review.

On October 26, 2007, the Commission adopted the correct list of streams including Plum Bayou, Brownsville Branch, and Eagle Branch as set out in the Commission's Minute Order No. 07-41. A copy of Minute Order 07-41 is attached for your review. Please note that the Minute Order does not list Brooks Branch, Buck Creek, Faras Run, or Lonoke Ditch.

After discussing this with you, I am providing you with a disc containing the pages that have been corrected and two hard copies of each page. The pages that are have been corrected to reflect the Commission's decision and that are being substituted for those filed on November 15, 2007 are: Pages 5-9, 5-10, A-40 and A-41.

I appreciate your assistance in this matter and if you have any questions, please do not hesitate to contact me.

Respectfully,



Michael O'Malley  
Administrative Hearing Officer

ARKANSAS POLLUTION CONTROL & ECOLOGY COMMISSION

101 EAST CAPITOL  
SUITE 205  
LITTLE ROCK, ARKANSAS 72201  
PHONE: (501) 682-7890  
FAX: (501) 682-7891



March 5, 2008

Ms. Mary Brewer  
Government Documents  
Arkansas State Library  
# 1 Capitol Mall  
Little Rock, Arkansas 72201

Re: Regulation No. 2, Water Quality Standards, Docket No.  
07-004-R - **SUBSTITUTED FILING**

Dear Ms. Brewer:

Several weeks ago I spoke to you concerning an error that was brought to my attention by the Bayou Meto Water Management District ("Bayou Meto"). Bayou Meto filed a third party petition to revise the water quality standards on a number of streams in its district. Following notice to the public, public hearing, and legislative review of the proposed rule, the Arkansas Pollution Control and Ecology Commission ("Commission") adopted revised water quality standard for those streams. Bayou Meto then sent an incorrect list of streams to the Arkansas Department of Environmental Quality and that list was included in the Regulation No. 2 that was filed with you on November 15, 2007.

Pages A-40 and A-41 of Regulation No. 2 includes four streams that should not have been included in the regulation. Those four streams are: Brooks Branch, Buck Creek, Faras Run, and Lonoke Ditch. The Commission did not change the standards on these four streams. However, the Commission did adopt new water quality standards for Plum Bayou, Brownsville Branch, and Eagle Branch and these three streams were not listed on pages A-40 and A-41 of the regulation as they should have been.

Public notice of Bayou Meto's rulemaking was published on May 10 and 11, 2007, and it listed Plum Bayou, Brownsville Branch, and Eagle Branch. The public notice did not list Brooks Branch, Buck Creek, Faras Run, or Lonoke Ditch. A copy of the public notice is attached for your review.

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MARCH 5 11:52  
STATE LIBRARY

On October 26, 2007, the Commission adopted the correct list of streams including Plum Bayou, Brownsville Branch, and Eagle Branch as set out in the Commission's Minute Order No. 07-41. A copy of Minute Order 07-41 is attached for your review. Please note that the Minute Order does not list Brooks Branch, Buck Creek, Faras Run, or Lonoke Ditch.

After discussing this with you, I am providing you with fifteen (13) copies of the corrected pages. The pages that are have been corrected to reflect the Commission's decision and that have been substituted for those filed on November 15, 2007 are: Pages 5-9, 5-10, A-40 and A-41.

I appreciate your assistance in this matter and if you have any questions, please do not hesitate to contact me.

Respectfully,



Michael O'Malley  
Administrative Hearing Officer