

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

IN RE: REQUEST BY McGEORGE)
CONTRACTING CO., INC)
TO INITIATE RULEMAKING TO AMEND) DOCKET NO.09-003-R
REGULATION NO. 2)

**AMENDMENT TO AMENDED PETITION TO INITIATE THIRD-PARTY
RULEMAKING TO AMEND REGULATION NO. 2**

Petitioner, McGeorge Contracting Co. Inc. (“McGeorge”) for its Amendment to Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 (“Amendment to Petition”) states:

1. This Amendment to Petition is submitted to address an issue raised by the Water Division of the Arkansas Department of Environmental Quality (ADEQ) that the requested increase in the sulfate criteria cannot exceed 250 mg/L when there is no request to remove the drinking water use. To address this issue, McGeorge is filing this Amendment to the Amended Petition.

2. The only change from the Amended Petition is found in Paragraph 6 of the Amended Petition, which should now read as follows:

6. Through this Petition, McGeorge is requesting the following amendments to APCEC Regulation No. 2:

- a. modify the dissolved minerals criteria for the McGeorge Creek to confluence with Willow Springs Branch as follows:
 - Sulfate from 41.3 mg/L to 250 mg/L, instead of 257 mg/L as provided in the Amended Petition

3. Through this Amendment to the Amended Petition, McGeorge is also Amending

and Substituting Exhibit A to the Amended Petition (Red Lined Version of Regulation Showing Proposed Changes to Regulation No. 2). An amended and substituted Red Lined Version of Regulation Showing Proposed Changes to Regulation No. 2 is attached as Exhibit A and incorporated herein.


4. Through this Amendment to the Amended Petition, McGeorge is also Amending Exhibit F to the Amended Petition (Use Attainability Analysis). An addendum to the Use Attainability Analysis is attached hereto as Exhibit F-Addendum and incorporated herein..

WHEREFORE, McGeorge Contracting Company, requests that the Commission initiate a rulemaking to amend Regulation No. 2, and amend Regulation No. 2 in the manner requested in the Amended Petition, as further amended by this Amendment to the Amended Petition and as reflected in Exhibit A.

Respectfully submitted

CHISENHALL, NESTRUD & JULIAN, P.A.
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By:


Charles R. Nestrud, AR Bar 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 23 day of September, 2009 hand-delivered a copy of the foregoing Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 to Dawn Guthrie, Chief Counsel, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.


Charles R. Nestrud