

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

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

REQUEST FOR ADOPTION OF PROPOSED CHANGE TO REGULATION NO. 2

McGeorge Contracting Co., Inc (McGeorge), in support of its request for the adoption of proposed changes to the Arkansas Pollution Control and Ecology Commission's (APCEC) Regulation No. 2 to amend the water quality standards for certain designated stream segments, submits the following:

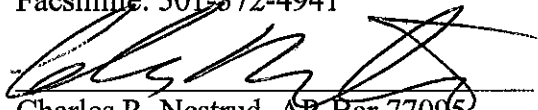
1. Attached hereto as Exhibit "A" are McGeorge's and ADEQ's Responsiveness Summaries which were filed on April 19, 2010 in accordance with the Commission's Minute Order.
2. Attached hereto as Exhibit "B" is McGeorge's Statement of Basis and Purpose and Responsiveness Summary which was filed on July 9, 2010.
3. Attached hereto as Exhibit "C" are the copies of the cover page and the pages of APCEC Regulation No. 2 as they will appear if the Commission grants McGeorge's rulemaking request.
4. Attached hereto as Exhibit "D" is a copy of McGeorge's proposed Minute Order adopting the changes to APCEC Regulation No. 2 requested by McGeorge.

Wherefore, Petitioner McGeorge Contracting Co., Inc respectfully requests the Commission to adopt by Minute Order the proposed changes to APCEC Regulation No. 2.

Respectfully submitted,

CHISENHALL, NESTRUD & JULIAN, P.A.
400 West Capitol, Suite 2840
Little Rock, AR 72201
Telephone: 501-372-5800
Facsimile: 501-372-4941

By:



Charles R. Nestrud, AR Bar 77095
Attorneys for McGeorge Contracting Co., Inc

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 9th day of July, 2010, hand-delivered a copy of the foregoing Request for Adoption of Proposed Change to Regulation No. 2 to Ms. Jamie Ewing, Arkansas Department of Environmental Quality, 5301 Northshore Drive North Little Rock, AR 72118.



Charles R. Nestrud

EXHIBIT “A”

**McGeorge’s and ADEQ’s
Responsiveness Summaries filed
April 19, 2010**

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

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

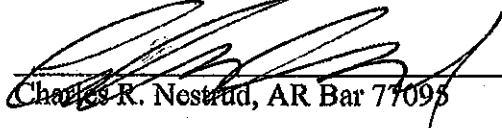
McGEORGE CONTRACTING CO., INC'S
RESPONSE TO COMMENTS

On October 23, 2009, The Arkansas Pollution Control and Ecology Commission granted the petition of McGeorge Contracting Co., Inc ("McGeorge") to initiate rulemaking to amend APC&EC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. A public hearing was held on December 14, 2009, at the ADEQ Headquarters in North Little Rock, Arkansas. No public comments were submitted at the public hearing. The public comment period ended on December 30, 2009 and no written comments were received on the petition. Therefore, it is not necessary for the McGeorge Contracting Co., Inc. to respond to any comments from the public. Likewise, McGeorge Contracting Co., Inc. does not recommend any charges to the proposed rule based on public comments.

Respectfully submitted

CHISENHALL, NESTRUD & JULIAN, P.A.
400 West Capitol, Suite 2840
Little Rock, AR 72201
Telephone: 501-372-5800
Facsimile: 501-372-4941

By:


Charles R. Nestrud, AR Bar 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 19 day of April, 2010 hand-delivered a copy of the foregoing Response to Comments to Jamie L. Ewing, Attorney Specialist, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.



Charles R. Nestrud

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN RE: REQUEST BY MCGEORGE
CONTRACTING CO., INC.
TO INITIATE RULEMAKING TO AMEND
REGULATION NO. 2

)
)
)
)

DOCKET NO. 09-003-R

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO COMMENTS

On October 23, 2009, the Arkansas Pollution Control and Ecology Commission granted the petition of McGeorge Contracting Co., Inc. ("McGeorge") to initiate rulemaking to amend APC&EC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. A public hearing was held on December 14, 2009, at the ADEQ Headquarters in North Little Rock, Arkansas. No public comments were submitted at the public hearing. The public comment period ended on December 30, 2009 and no written comments were received on the petition. Therefore, it is not necessary for the Department to respond to any comments from the public. Likewise, the Department does not recommend any changes to the proposed rule based on public comments.

Respectfully submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
North Little Rock, AR 72118
(501) 682-0892

By:

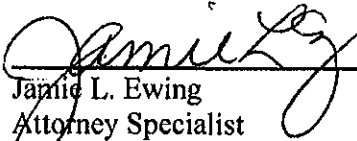

Jamie L. Ewing
Attorney Specialist
ADEQ

EXHIBIT “B”

McGeorge’s Statement of Basis and Purpose

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

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

Statement of Basis and Purpose

Petitioner, McGeorge Contracting Co. Inc. ("McGeorge") for its Motion for Approval of Third-Party Rulemaking to Amend Regulation No. 2 ("Petition") submits the following Statement of Basis and Purpose, which is joined in by the Arkansas Department of Environmental Quality.

McGeorge has operated a kaolin clay mine site in Little Rock, Pulaski County, Arkansas from approximately 2001, when it was purchased as an active kaolin clay mine from A.P. Green Industries, Inc., until present. Two active kaolin clay mine pits remain on the site.

Stormwater collects in the kaolin clay, pits, and is discharged as required through Outfalls 001 and 002, as authorized by the Arkansas Department of Environmental Quality (ADEQ) under McGeorge's National Pollutant Discharge Elimination System (NPDES) Permit No. AR00001503 (the "Permit."). Due to the close proximity of the outfalls with one another, they are treated as one with regards to the stream mineral concentrations and the proposed rulemaking changes described herein.

On November 1, 2004 McGeorge was issued a renewal of its Permit, which imposed, for the first time, ecoregion based effluent limitations for dissolved minerals; e.g. total dissolved solids (TDS). The ecoregion based effluent limitations for TDS in the Permit are based on ecoregion mineral criteria, and are 112.3 mg/l (monthly average) and 168.5 mg/l (daily max).

Previously the Permit included dissolved mineral effluent limitations based on secondary drinking water limits. The secondary drinking water based effluent limitation for TDS in the previous Permit were based on the maintenance of the designated, but not existing, domestic water supply use, and were 500 mg/l (monthly average) and 750 mg/l (daily max). Because the ecoregion based effluent limitations resulted in more stringent permit limits, McGeorge was given a compliance period to achieve compliance with the new, more restrictive, water quality based effluent limitations, with interim limits equivalent to the prior effluent limits being in effect during the compliance period. McGeorge proceeded to collect the information necessary to seek a change to the ecoregion based water quality standards applicable to the receiving streams. On January 23, 2009 McGeorge and ADEQ entered into Consent Administrative Order No. LIS 09-012 which extended the compliance period and interim limits pending completion of a third party rulemaking to revise the ecoregion based water quality limits, and to modify the Permit to incorporate the revised water quality standards.

Pursuant to APCEC Regulation No. 2, the watercourses at issue herein are assigned the following designated existing uses:

McGeorge Creek

- Secondary Contact Recreation (presumed as default)

Willow Creek Branch

- Primary and Secondary Contact Recreation (presumed as default)

Little Fourche Creek

- Primary and Secondary Contact Recreation (presumed as default)

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 257 mg/L
 - TDS from 138 mg/L to 432 mg/L
- b. modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:
 - Sulfate from 41.3 mg/L to 112 mg/L
 - TDS from 138 mg/L to 247 mg/L
- c. modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek as follows:
 - Sulfate: NO CHANGE
 - TDS from 138 mg/L to 179 mg/L

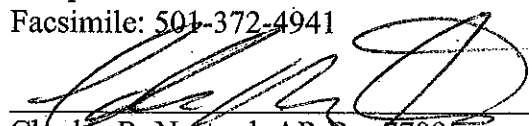
This rulemaking is supported by the following facts:

- The UAA Report shows that existing aquatic life is limited by habitat and will not be adversely affected by TDS and sulfate levels in McGeorge's discharge.
- There is no current economically feasible treatment technology for the removal of sulfate and TDS. Ion exchange and reverse osmosis treatment technologies do exist; however, these methods are not cost effective on a large scale basis, are prohibitively expensive, and generate concentrated brine which is environmentally difficult to dispose of. Such treatment technology is not required to meet the existing uses and would not add any significant environmental protection.
- Modification to the mineral criteria will not preclude the attainment of other designated and attainable uses (i.e. primary and secondary contact recreation, domestic, industrial and agricultural water supply).

Respectfully submitted

CHISENHALL, NESTRUD & JULIAN, P.A.
400 West Capitol, Suite 2840
Little Rock, AR 72201
Telephone: 501-372-5800
Facsimile: 501-372-4941

By:


Charles R. Nestrud, AR Bar 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 9th day of July, 2010 mailed a copy of the foregoing Motion to Jamie Ewing, Counsel, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.

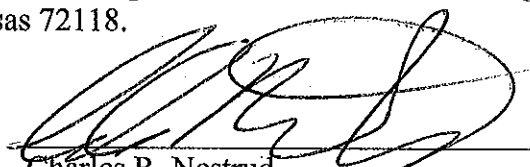
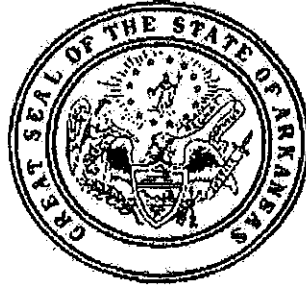

Charles R. Nestrud

EXHIBIT “C”

**Copies of the Cover Page and Pages of
APCEC Regulation No. 2**

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 2

REGULATION ESTABLISHING WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF ARKANSAS

Adopted by the Arkansas Pollution Control and Ecology Commission on (October 26, 2007)

DESIGNATED USES: GULF COASTAL ECOREGION
(Plates GC-1, GC-2, GC-3, GC-4)

Extraordinary Resource Waters

Saline River (GC-3, GC-4)

Moro Creek - adjacent to natural area (GC-3)

Natural and Scenic Waterways

Saline River from the Grant-Saline County line to mouth (GC-3)

Ecologically Sensitive Waterbodies

Little River above Millwood Reservoir - location of Ouachita rock pocketbook and pink mucket mussels (GC-1)

Grassy Lake and Yellow Creek below Millwood Reservoir - unique ecosystem and biota (GC-1) Lower Little

Missouri River - location of peppered shiner and longnose darter (GC-2)

Lower Saline River - location of peppered shiner, crystal darter and goldstripe darter (GC-3)

Ouachita River near Arkadelphia - location of flat floater, Ouachita rock pocketbook and pink mucket mussels (GC-2)

Streams with Substantial Springwater Influence

L'Eau Frais (GC-4)

Cypress Creek (GC-4)

East and West Fork Tulip Creeks (GC-4)

Others to be determined

Primary Contact Recreation - all streams with watersheds greater than 10 mi² and all lakes/reservoirs

Secondary Contact Recreation - all waters

Domestic, Industrial and Agricultural Water Supply - all waters

Fisheries

Trout

Little Missouri River from Narrows Dam to confluence with Muddy Fork (GC-1)

Lakes and Reservoirs - all

Streams

Seasonal Gulf Coastal fishery - all streams with watersheds of less than 10 mi² except as otherwise

provided in Reg. 2.505

Perennial Gulf Coastal fishery - all streams with watersheds of 10 mi² or larger and those waters

where discharges equal or exceed 1 CFS

Use Variations Supported by UAA

Louise Creek - perennial fishery, except seasonal from railroad bridge to mouth (GC-2, #1)

Unnamed tributary to Smackover Creek - no fishable/swimmable uses (GC-2, #2)

Unnamed tributary to Flat Creek - no fishable/swimmable uses (GC-2, #4)

Dodson Creek - perennial fishery (GC-4, #5)

Jug Creek - perennial fishery (GC-2, #6)

Lick Creek - seasonal fishery; no primary contact (GC-1, #7)

Coffee Creek and Mossy Lake - no fishable/swimmable or domestic water supply uses (GC-3, #8)

Red River from Oklahoma to confluence with Little River - No domestic water supply use (GC-1, #9)
 Bluff Creek and unnamed tributary - no domestic water supply use (GC-1, #10)
 Mine Creek from Highway 27 to Millwood Lake - no domestic water supply use (GC-1, #11)
 Caney Creek - no domestic or industrial water supply use (GC-1, #12)

Use Variations Supported by UAA

Bois d'Arc Creek from Caney Creek to Red River - no domestic or industrial water supply use (GC-1, #13)
 Town Creek below Acme tributary - no domestic water supply (GC-4, #14)
 Unnamed trib. from Acme - no domestic water supply (GC-4, #14)
 Gum Creek - no domestic water supply use (GC-2, #15)
 Bayou de Loutre from Gum Creek to State line - no domestic water supply use (GC-2, #16)
 Walker Branch - no domestic water supply use (GC-2, #17)
 Little Cornie Bayou from Walker Branch to State line - no domestic water supply use (GC-2, #18)
 Alcoa unnamed trib to Hurricane Cr. and Hurricane Cr. - no domestic water supply use (GC-4, #19)
 Holly Creek - no domestic water supply use (GC-4, #20)
 Dry Lost Creek and Tribs. - no domestic water supply use (GC-4, #21)
 Lost Creek - no domestic water supply use (GC-4, #22)
 Albemarle unnamed trib (AUT) to Horsehead Creek - no domestic water supply use (GC-2, #27)
 Horsehead Creek from AUT to mouth - no domestic water supply use (GC-2, #27)
 Dismukes Creek and Big Creek to Bayou Dorcheat - no domestic water supply
 Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of
 Bayou de
 Loutre - no domestic water supply use

SPECIFIC STANDARDS: GULF COASTAL ECOREGION
 (Plates GC-1, GC-2, GC-3, GC-4)

and	Typical	Spring Water	Lakes
	<u>Streams</u>	<u>Streams</u>	
<u>Reservoirs</u>			
Temperature °C (°F)* (89.6)	30 (86)	30 (86)	32
Ouachita River (state line to Little Missouri River)	32 (89.6)		
Red River	32 (89.6)		
Turbidity (NTU) (base/all) Red River (base/all)	21/32 50/150	21/32	25/45
Minerals 2.511	see Reg. 2.511		see Reg.
Dissolved Oxygen (mg/l) ** 2.505	<u>Pri.</u> <u>Crit.</u>		see Reg.
<10 mi ² watershed	5 2		
10 mi ² - 500 mi ²	5 3		
>500 mi ² watershed	5 5		
All sizes	6 5		
All other standards	(same as statewide)		

* Increase over natural temperatures may not be more than 2.8°C (5°F).

** At water temperatures $\leq 10^{\circ}\text{C}$ or during March, April and May when stream flows are 15 CFS and greater, the primary season D.O. standard will be 6.5 mg/l. When water temperatures exceed 22°C , the critical season D.O. standard may be depressed by 1 mg/l for no more than 8 hours during a 24-hour period

Variations Supported by UAA

Loutre Creek - from headwaters to railroad bridge, critical season D.O. standard - 3 mg/l; primary season - 5 mg/l;

from railroad bridge to mouth, critical season D.O. - 2 mg/l (GC-2, #1)

Unnamed tributary to Smackover Creek - headwaters to Smackover Creek, year round D.O. criteria - 2 mg/l

(GC-2, #2)

Unnamed tributary to Flat Creek - from headwaters to Flat Creek, year round D.O. criteria - 2 mg/l (GC-2, #4)

Dodson Creek - from headwaters to confluence with Saline River, critical season D.O. standard - 3 mg/l (GC-4, #5)

Jug Creek - from headwaters to confluence with Moro Creek, critical season D.O. standard - 3 mg/l (GC-2, #6)

Lick Creek - from headwaters to Millwood Reservoir, critical season D.O. standard - 2 mg/l (GC-1, #7)

Coffee Creek and Mossy Lake - exempt from Reg. 2.406 and Chapter Five (GC-3, #8)

Red River from Oklahoma to confluence with Little River - total dissolved solids - 850 mg/l (GC-1, #9)

Bluff Creek and unnamed trib. - sulfates 651 mg/l; total dissolved solids 1033 mg/l (GC-1, #10)

Muddy Fork Little Missouri River - sulfates 250 mg/l; total dissolved solids 500 mg/l (GC-1, #24)

Little Missouri River - sulfates 90 mg/l; total dissolved solids 180 mg/l (GC-1, #25)

Mine Creek from Highway 27 to Millwood Lake - chlorides - 90 mg/l; sulfates - 65 mg/l; TDS - 700 mg/l (GC-1, #11)

Caney Creek - chlorides 113 mg/l; sulfates 283 mg/l; total dissolved solids 420 mg/l (GC-1, #12)

Bois d'Arc Creek from Caney Creek to Red River - chlorides 113 mg/l; sulfates 283 mg/l; dissolved solids 420

mg/l (GC-1, #13)

Town Creek below Acme tributary - sulfates 200 mg/l; TDS 700 mg/l (GC-4, #14)

Unnamed trib. from Acme - sulfates 330 mg/l; TDS 830 mg/l (GC-4, #14)

Gum Creek - chlorides 104 mg/L; TDS 311 mg/L (GC-2, #15)

Bayou de Loutre from Gum Creek to State line - Chlorides 250 mg/l; TDS solids 750 mg/l (GC-2, #16)

Walker Branch - chlorides 180 mg/l; total dissolved solids 970 mg/l (GC-2, #17)

Ouachita River - from Ouachita River mile (ORM) 223 to the Arkansas-Louisiana border (ORM 221.1), site specific seasonal D.O. criteria: 3 mg/L June and July; 4.5 mg/L August; 5 mg/L September through May. These seasonal criteria may be unattainable during or following naturally occurring high flows, (i.e., river stage above 65 feet measured at the lower gauge at the Felsenthal Lock and Dam, Station No. 89-o, and also for the two weeks following the recession of flood waters below 65 feet), which occurs from May through August. Naturally occurring conditions which fail to meet criteria should not be interpreted as violations of these criteria (GC-3, #26)

Alcoa unnamed trib. to Hurricane Cr. And Hurricane Cr. - see Reg. 2.511 (CG-4, #19)

Holly Creek - See Reg. 2.511 (CG-4, #20)

Saline River bifurcation - see Reg. 2.511 (GC-4, #23)

Dry Lost Creek and tributaries - see Reg. 2.511 (GC-4, #21)

Lost Creek - see Reg. 2.511 (GC-4, #22)

Albemarle unnamed trib (AUT) to Horsehead Creek - chlorides 137 mg/l; TDS 383 mg/l (GC-2, #27)
 Horsehead Creek from AUT to mouth - chlorides 85 mg/l; TDS 260 mg/l (GC-2, #27)
 Bayou Dorcheat - sulfates 16 mg/l (GC-2, #27)
 Dismukes Creek - chlorides 26 mg/L; TDS 157 mg/L (GC-2, #28)
 Big Creek from Dismukes to Bayou Dorcheat - chlorides 20 mg/L; TDS 200 mg/L (GC-2, #28)
 Bayou de Loutre from Chemtura outfall to Loutre Creek - maximum water temperature 96°F (GC-2, #29)
 Unnamed tributary of Lake June below Entergy Couch Plant to confluence with Lake June - maximum water temperature 95 degrees F (limitation of 5 degrees above natural temperature does not apply) (GC-1, #30).
 Unnamed tributary from Great Lakes Chemical Company Outfall 002 to Bayou de Loutre-chloride 65, sulfate 35 mg/L, TDS 141 mg/L (GC-2, #31)
 Unnamed tributary from Great Lakes Chemical Company Outfall 004 to Bayou de Loutre-chloride 239 mg/L, TDS 324 mg/L (GC-2, #32)
 Bayou de Loutre from mouth of UT004 to mouth of Loutre Creek, chloride 278 mg/L (GC-2, #33)
 Unnamed tributary from Great Lakes Chemical Company Outfall 003 (UT003) downstream to unnamed tributary to Little Cornie Bayou - chloride 538 mg/L, sulfate 35 mg/L, and TDS 519 mg/L (GC-2, #34)
 Unnamed tributary of Little Cornie Bayou to confluence with Little Cornie Bayou - chloride 305 mg/L and TDS 325 mg/L (GC-2, #35)
 Little Cornie Bayou from mouth UTA to state line- chloride 215mg/L, sulfate 25mg/L and TDS 500mg/L (GC-2, #36)
 Unnamed tributary to Flat Creek from EDCC Outfall 001 d/s to confluence with unnamed tributary A to Flat Creek
 Chloride 23 mg/L, Sulfate 125 mg/L, TDS 475 mg/L, (GC-2, #37)
 Unnamed tributary A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek, Chloride 16 mg/L, Sulfate 80 mg/L, TDS 315 mg/L, (GC-2, #38)
 Flat Creek from mouth of UTA to confluence with Haynes Creek, Chloride 165 mg/L, Sulfate 67 mg/L, TDS 560 mg/L (GC-2, #39)
 Haynes Creek from mouth of Flat Creek to confluence with Smackover Creek, Chloride 360 mg/L, Sulfate 55 mg/L, TDS 855 mg/L (GC-2, #40)
 Loutre Creek from Hwy 15 South to the confluence of Bayou de Loutre Chloride, 256mg/l; Sulfate 997mg/l, TDS, 1756* (GC-3, #41)
 Bayou de Loutre from Loutre Creek to the discharge for the City of El Dorado South facility Chloride, 264mg/l; Sulfate 635mg/l, TDS, 1236* (GC-3, #42)
 Bayou de Loutre from the discharge from the City of El Dorado-South downstream to the mouth of Gum Creek. Chloride, 250mg/l; Sulfate 431mg/l, TDS, 966 (GC-3, #43)
 Bayou de Loutre from the mouth of Gum Creek downstream to the mouth of Boggy Creek Chloride, 250mg/l; Sulfate 345mg/l, TDS, 780 (GC-3, #44)
 Bayou de Loutre from the mouth of Boggy Creek downstream to the mouth of Hibank Creek Chloride, 250mg/l; Sulfate 296mg/l, TDS, 750 (GC-3, #45)
 Bayou de Loutre from the mouth of Hibank Creek downstream to the mouth of Mill Creek Chloride, 250mg/l; Sulfate 263mg/l, TDS, 750 (GC-3, #46)
 Bayou de Loutre from the mouth of Mill Creek downstream to the mouth of Buckaloo Branch Chloride, 250mg/l; Sulfate 237mg/l, TDS, 750 (GC-3, #47)

Bayou de Loutre from the mouth of Buckaloo Branch downstream to the mouth of Bear Creek Chloride, 250mg/l; Sulfate

216mg/l, TDS, 750 (GC-3. #48)

Bayou de Loutre from the mouth of Bear Creek to the final segment of Bayou de Loutre. Chloride, 250mg/l; Sulfate

198mg/l, TDS, 750(GC-3. #49)

Bayou de Loutre (Final Segment) to the Arkansas / Louisiana State Line, Chloride, 250mg/l; Sulfate 171 mg/l, TDS,

750(GC-3. #50)

Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre. Chloride, 631mg/l; Sulfate, 63 mg/l, TDS, 1360; Selenium, 15.6 u/l

McGeorge Creek (headwaters to Willow Springs Branch) – Sulfate, 257 mg/L; TDS, 432 mg/L (GC-4. #52)

Willow Spring Branch (McGeorge Creek to Little Fourche Creek) – Sulfate, 112 mg/L; TDS, 247 mg/L (GC-4. #53)

Little Fourche Creek (Willow Springs Branch to Fourche Creek) – TDS, 179 mg/L (GC-4. #54)

Plate GC-1 (Gulf Coastal Plain)

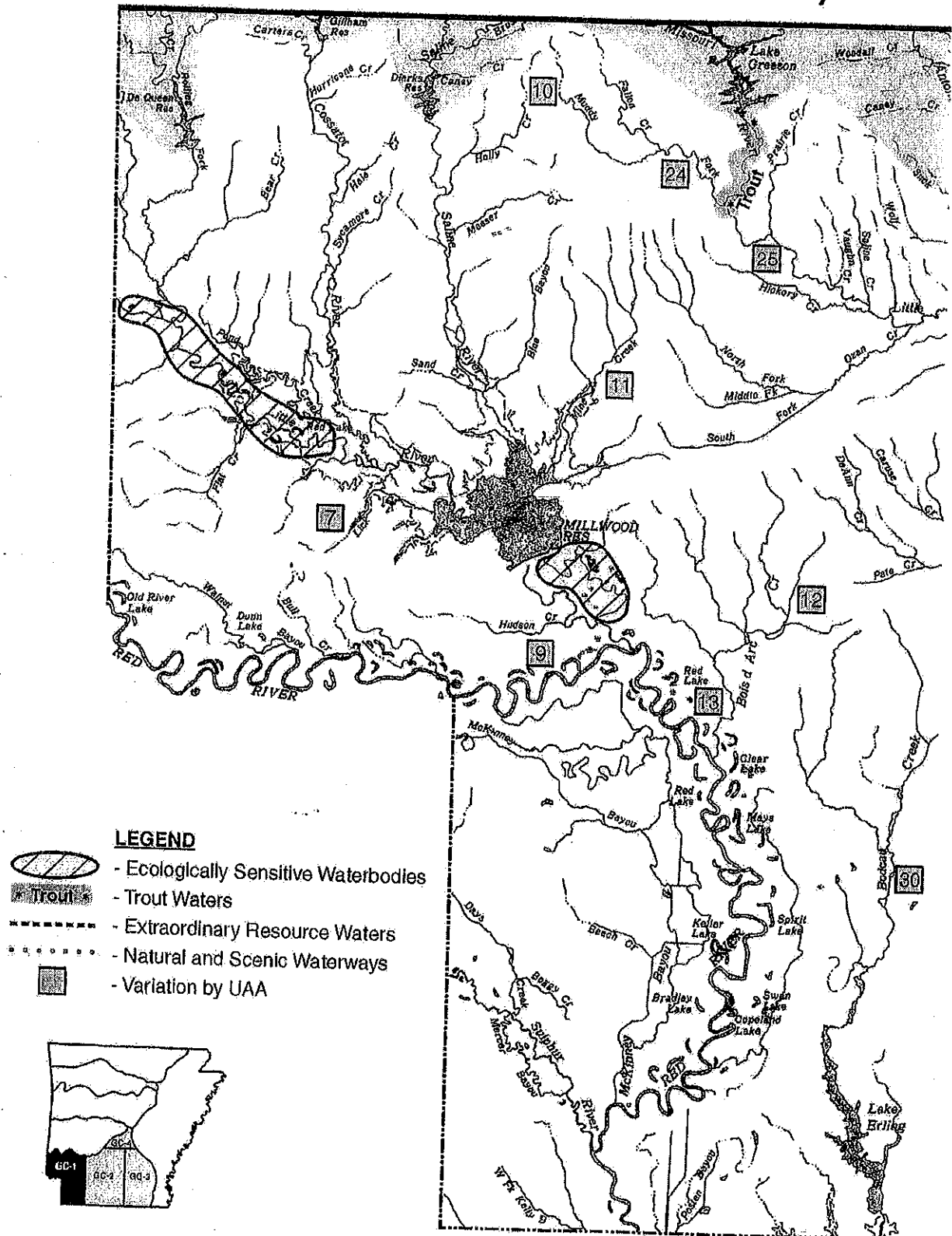


Plate GC-2 (Gulf Coastal Plain)

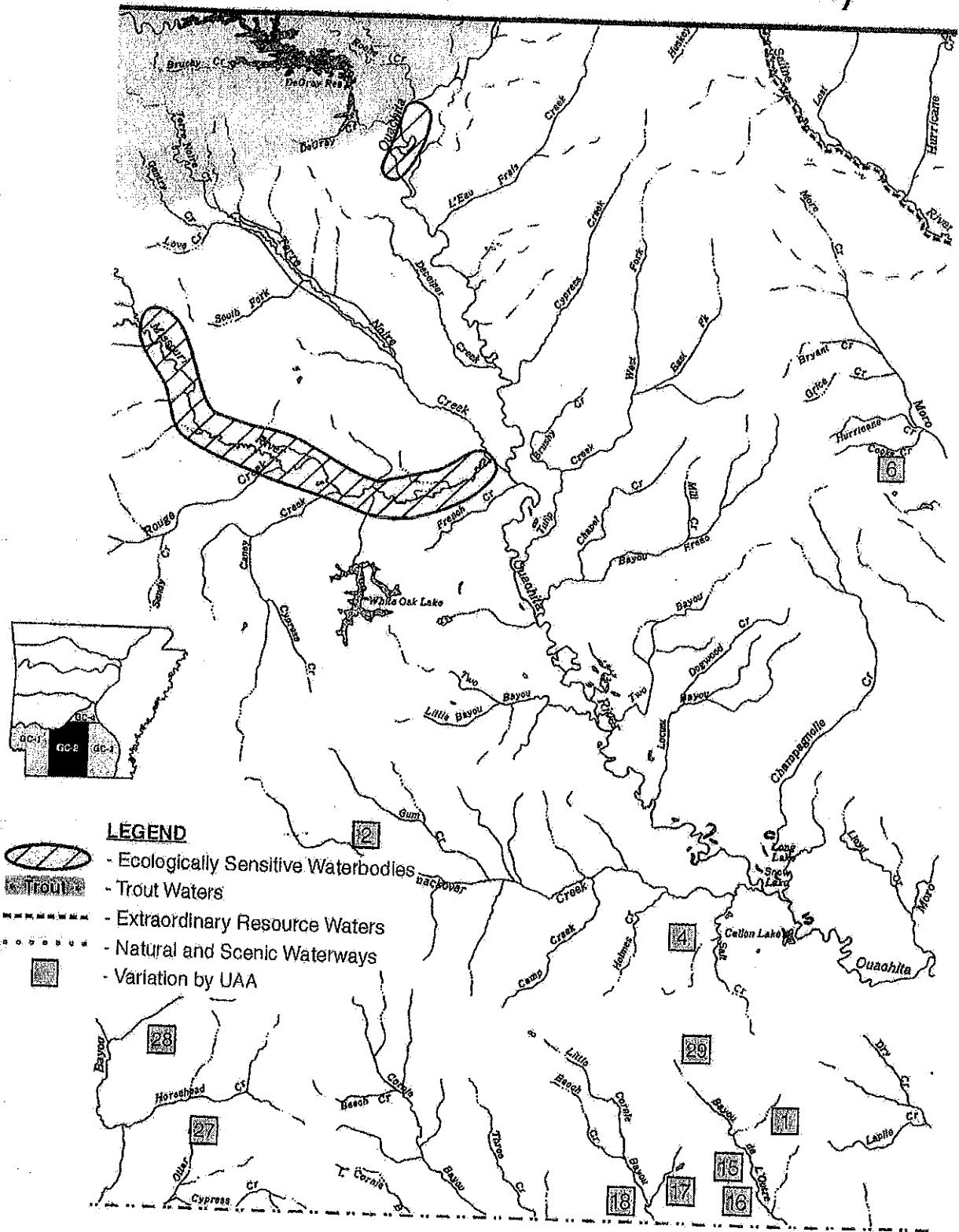


Plate GC-3 (Gulf Coastal Plain)

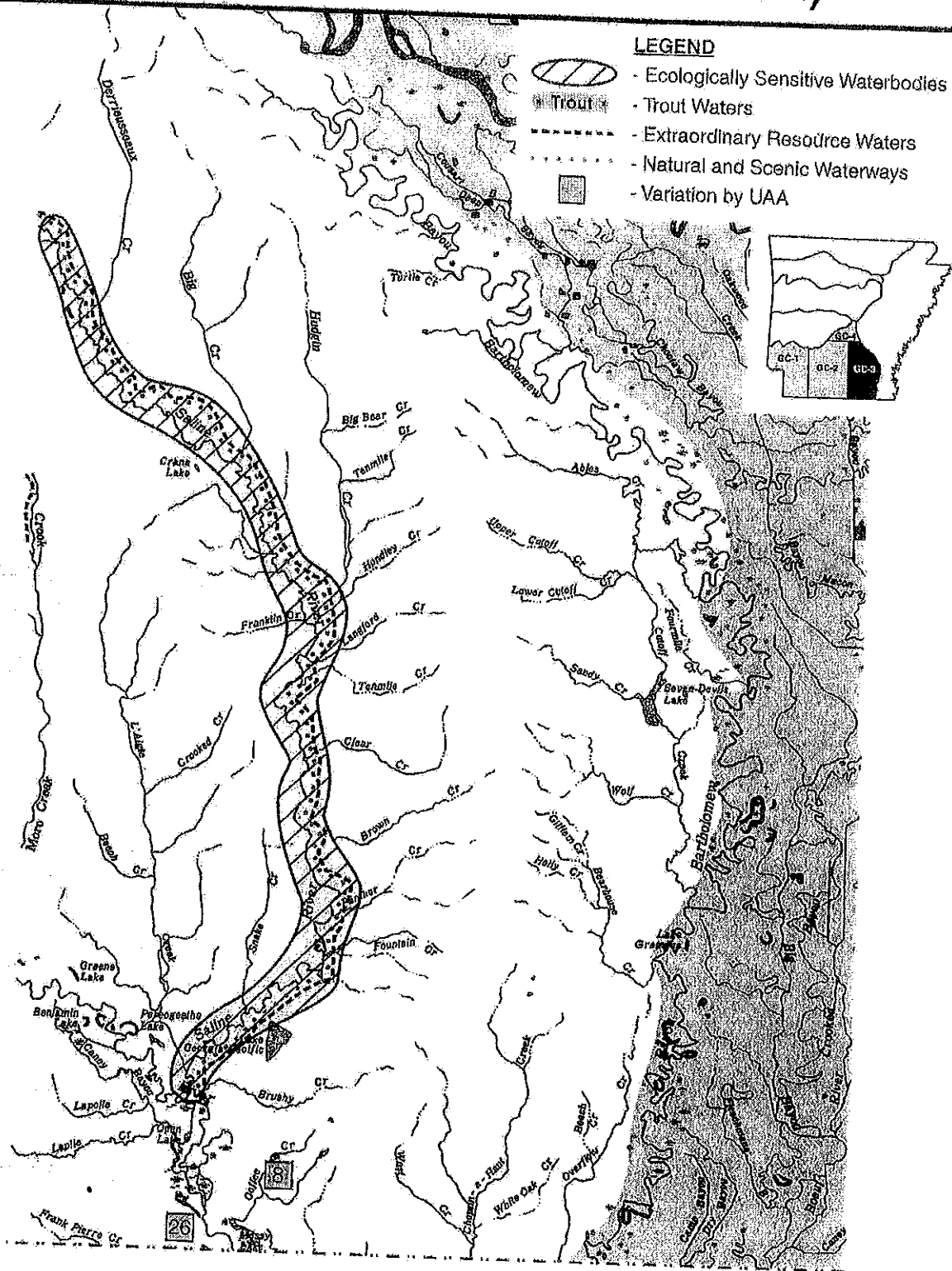
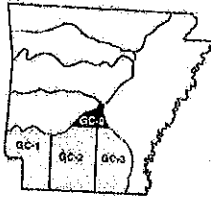
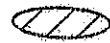

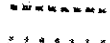




Plate GC-4 (Gulf Coastal Plain)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

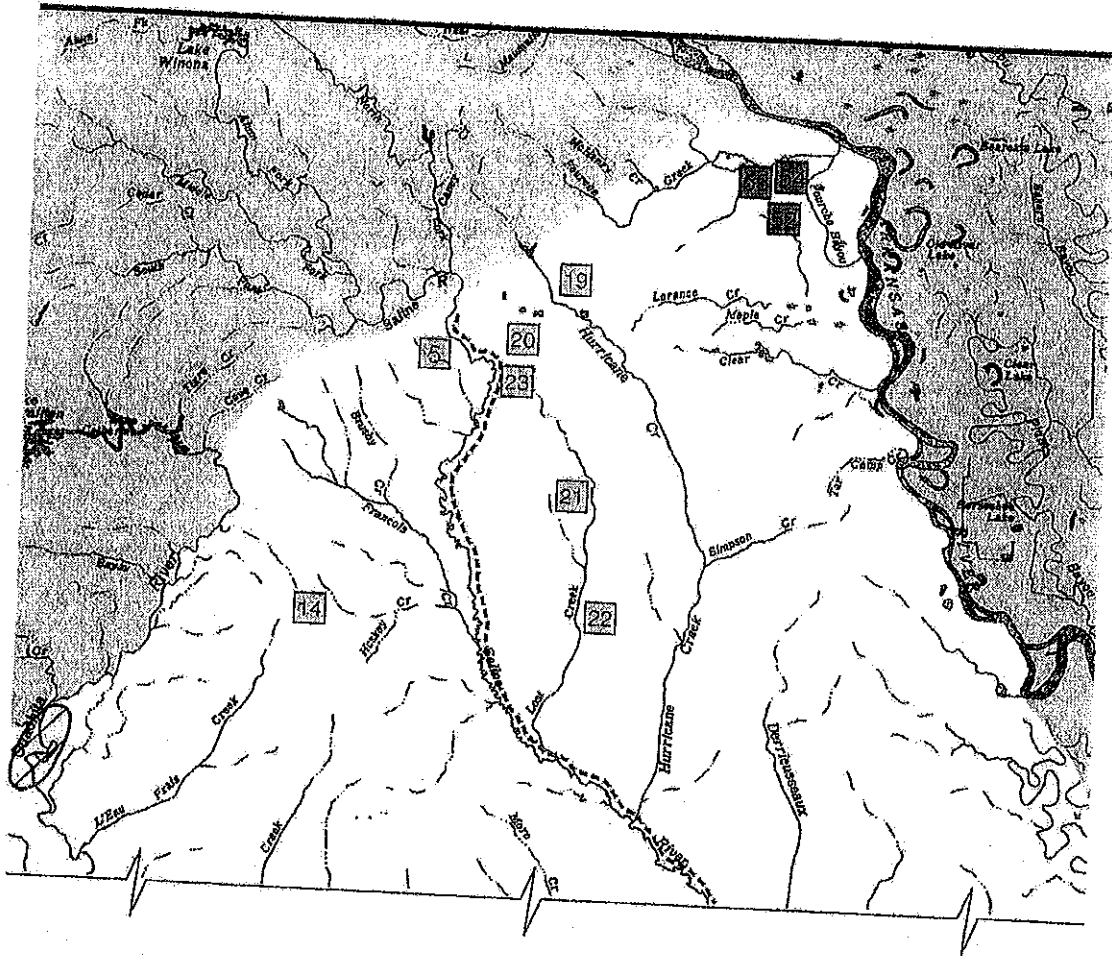


EXHIBIT “D”

McGeorge’s Proposed Minute Order

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
McGEORGE CONTRACTING CO., INC
PINE BLUFF, AR**

DOCKET NO. 09-003-R

MINUTE ORDER NO. 09-003-R

PAGE 1 OF 3

McGeorge's Contracting Co., Inc filed a Petition to Initiate Third Party Rulemaking to Amend Regulation No. 2, "Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas."

Arkansas Pollution Control and Ecology Commission Minute Order No. 09-003-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. That Regulation No. 2 be amended to change the Water Quality Standards in the following waters as described below:
 - 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 257 mg/L
 - TDS from 138 mg/L to 432 mg/L
 - b. modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:
 - Sulfate from 41.3 mg/L to 112 mg/L
 - TDS from 138 mg/L to 247 mg/L
 - c. modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek as follows:
 - Sulfate: NO CHANGE
 - TDS from 138 mg/L to 179 mg/L

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
McGEORGE CONTRACTING CO., INC
PINE BLUFF, AR**

DOCKET NO. 09-003-R

MINUTE ORDER NO. 09-003-R

PAGE 2 OF 3

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.

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
McGEORGE CONTRACTING CO., INC
PINE BLUFF, AR**

DOCKET NO. 09-003-R

MINUTE ORDER NO. 09-003-R

PAGE 3 OF 3

**PROMULGATED THIS 9th DAY OF July, 2010, BY ORDER OF THE ARKANSAS
POLLUTION CONTROL AND ECOLOGY COMMISSION**

COMMISSIONERS:

**E. Valdez
B. Ackerman
L. Bengel
S. Henderson
C. McGrew
J. Simpson**

**T. Schueck
J. Shannon
L. Sickel
W. Thompson
B. White
R. Young**

Chair, D. Samples

ATTEST: _____
Teresa Marks, Director

APPROVED: _____
Governor Mike Beebe

Submitted by: Charles R. Nestrud

DATE PASSED: _____