

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN RE: REQUEST BY UMETCO MINERALS)
CORPORATION TO INITIATE RULEMAKING TO) DOCKET NO. 10-005-R
AMEND REGULATION NO. 2)**

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE**

Pursuant to Minute Orders 10-23 and 10-38, the Arkansas Department of Environmental Quality ("ADEQ" or "Department") submits the following Statement of Basis and Purpose regarding proposed changes to Arkansas Pollution Control and Ecology Commission Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.

On June 25, 2010, the Arkansas Pollution Control and Ecology Commission ("APCEC" or "Commission") granted Umetco Minerals Corporation's ("Umetco") Petition to Initiate Rulemaking to amend Regulation No. 2. The third-party petition was filed pursuant to APCEC Reg.8.809. Umetco requested that modifications to the water quality criteria for chloride, sulfate, and Total dissolved solids ("TDS") in Wilson Creek from 0.85 mile upstream of Outfall 001 (as described in Umetco's National Pollutant Discharge Elimination System ("NPDES") Permit No. AR0048950) to Lake Catherine. The petition proposes to raise the chloride criteria from 15 mg/L to 56 mg/L, the sulfate criteria from 20 mg/L to 260 mg/L, and the TDS criteria from 142 mg/L to 543 mg/L. Umetco also requested the removal of the Domestic Water Supply designated use from the same stream segment.

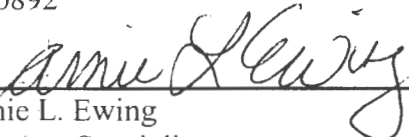
Based on a review of documents included in the rulemaking docket and the public comments received, ADEQ did not agree that the Domestic Water Supply designated use should be removed from Wilson Creek. ADEQ requested that Umetco amend their proposed rulemaking to retain the Domestic Water Supply Designated Use. After the completion of ADEQ's Responsive Summary, Umetco did agree to this request. Therefore, the proposed water quality criteria changes requested in the petition will be revised as such: the chloride criteria from 15 mg/L to 56 mg/L, the sulfate criteria from 20 mg/L to 250 mg/L, and the TDS criteria from 142 mg/L to 500 mg/L. These criteria will be at or below the National Secondary Drinking Water Standards and will be protective of the Domestic Water Supply designated use.

As this proposed rule change was filed by a third-party, not ADEQ, the Department will rely on the third-party to submit a full Statement of Basis and Purpose for this proposed change. However, ADEQ does not oppose the requested rule change where the Domestic Water Supply designated use is maintained and the water quality criteria are set to National Secondary Drinking Water Standards.

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