

PLG

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

2011 JUN 27 PM 2: 23

**IN RE: REQUEST BY ALCOA INC. TO)
TO INITIATE RULEMAKING TO)
AMEND REGULATION NO. 2)**

DOCKET NO. 10-006-R

**MOTION FOR THE ADOPTION OF
PROPOSED CHANGES TO REGULATION NO. 2**

Alcoa Inc. ("Alcoa"), in support of its Motion for the Adoption of Proposed Changes to the Arkansas Pollution Control and Ecology Commission's (APCEC) Regulation No. 2 to amend the chronic selenium water quality standard for Holly Creek, submits the following:

1. Attached hereto as Exhibit "A" is Alcoa's Statement of Basis and Purpose which was filed on June 6, 2011 in accordance with the Commission's Minute Order No. 10-36.

2. Attached hereto as Exhibit "B" is Alcoa's Responsiveness Summary which was filed on March 31, 2011 in accordance with the Commission's Minute Order No. 10-36.

3. Attached hereto as Exhibit "C" is ADEQ's Statement of Basis and Purpose and Responsiveness Summary.

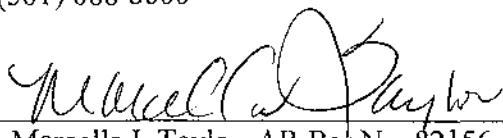
4. Attached hereto as Exhibit "D" is a copy of the pages of APCEC Regulation No. 2 as they will appear if the Commission grants Alcoa's rulemaking request.

4. Attached hereto as Exhibit "E" is the Proposed Minute Order adopting the proposed revision to Regulation No. 2.

WHEREFORE, Petitioner Alcoa Inc. respectfully requests the adoption by Minute Order of the changes to APC&EC Regulation No. 2 sought by Alcoa in its Petition to Initiate Rulemaking to Amend Regulation No. 2 filed on September 3, 2010.

Respectfully submitted,

**MITCHELL, WILLIAMS, SELIG
GATES & WOODYARD, P.L.L.C.**
425 West Capitol Avenue, Suite 1800
Little Rock, AR 72201
(501) 688-8800

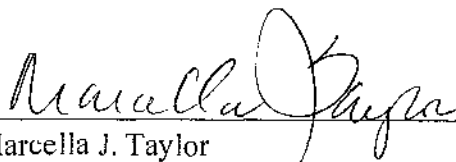
By 
Marcella J. Taylor, AR Bar No. 82156

Attorneys for Alcoa Inc.

CERTIFICATE OF SERVICE

I, Marcella J. Taylor, state that I have, on this 27th day of June, 2011, served a copy of the foregoing Motion for the Adoption of Requested Changes to Regulation No. 2 on the following by United States Postal Service, postage prepaid and by electronic service:

Ms. Jamie Ewing
Attorney Specialist
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118
ewing@adeq.state.ar.us


Marcella J. Taylor

BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

2011 JUN -6 AM 10:00

2011 JUN 6 10:00 AM
POLITICS
PLB

IN RE: REQUEST BY ALCOA INC.)
TO INITIATE RULEMAKING TO) DOCKET NO. 10-006-R
AMEND REGULATION NO. 2)

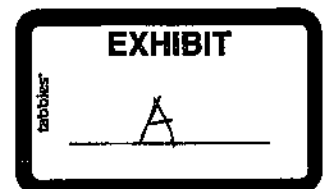
ALCOA INC.'S
STATEMENT OF BASIS AND PURPOSE

Alcoa Inc. ("Alcoa") for its Statement of Basis and Purpose, states:

1. The Arkansas Pollution Control and Ecology Commission (APCEC) is given the power and duty to promulgate rules and regulations implementing the powers and duties of the Arkansas Department of Environmental Quality (ADEQ) and APCEC, including regulations prescribing water quality standards (WQS). ARK. CODE ANN. § 8-4-202(a) and (b).

2. ARK. CODE ANN. § 8-4-202(c) provides that any person has the right to petition the APCEC for an amendment of any rule or regulation. On September 3, 2010, Alcoa filed its Petition to Initiate Third-Party Rulemaking to Amend APCEC Regulation No. 2. Alcoa's Petition was submitted pursuant to, and in compliance with Section 2.306 of APCEC Regulation No. 2, Section 8.809 of APCEC Regulation No. 8, the Continuing Planning Process, and Alcoa's NPDES Permit No. AR0000582, Section IB. On September 24, 2010, the APCEC entered Minute Order No. 10-36 granting Alcoa's Petition and initiated rulemaking on the changes proposed to Regulation No. 2 by Alcoa.

3. Alcoa's Petition sought a change in the WQS for selenium in Holly Creek to reflect current and historic conditions in Holly Creek during the term of an Environmental Improvement Project ("EIP") which is authorized by the ADEQ pursuant to Ark. Code Ann. § 8-



5-901 *et seq.* and by APCEC Regulation No. 2, § 2.105 and Appendix B and is required by Alcoa's NPDES Permit.

4. Through its Petition Alcoa requested that the Commission amend APCEC Regulation No. 2 to establish a chronic selenium standard of 17 µg/l for Holly Creek for the life of the EIP or until such time as a technically and economically feasible treatment or source reduction technology can be developed.

5. Alcoa's Petition is supported by the following:

- Alcoa's NPDES Permit No. AR0000582, Section IB requires Alcoa to carry out the EIP and seek the requested change in the chronic selenium standard for Holly Creek.
- Alcoa is not seeking a change in what are current and historic water quality conditions in Holly Creek; rather it seeks a temporary modification to the chronic water quality standard for selenium as it carries out the EIP. The selenium concentrations in Holly Creek are believed to represent historical conditions and not a recent change in stream conditions.
- There is not a currently known economically and technically feasible water treatment technology or source reduction strategy to reduce the selenium in Alcoa's discharge enough to meet the chronic water quality standard for selenium.
- Performing the necessary research, development and implementation of economically and technically feasible water treatment technologies and/or source reduction strategies is the logical approach to reducing selenium in the discharge while maintaining the existing fishery in Holly Creek.
- The regulatory basis for the EIP-based temporary modification of the chronic selenium water quality standard is provided in 40 CFR 131.10(g), three factors of which are applicable to the Alcoa site:
 - 40 CFR 131.10(g)(3) Human caused conditions or sources of pollution prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place;
 - 40 CFR 131.10(g)(5) Physical conditions related to the natural features of the water body, such as the lack of proper substrate, cover, flow, depth, pools, riffles and the like, unrelated to water quality, preclude attainment of aquatic life protection uses;

- 40 CFR 131.10(g)(6) Controls more stringent than those required by section 301(b) and 306 of the Act would result in substantial and widespread economic and social impact.
- 40 CFR 131.11(b)(1)(ii) provides states with the opportunity to adopt water quality criteria that are “modified to reflect site-specific conditions.”

Respectfully submitted,

MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, PLLC
425 W. Capitol Avenue, Suite 1800
Little Rock, Arkansas 72201-3525
(501) 688-8800
mtaylor@mwlaw.com


By: 
Marcella J. Taylor, AR Bar No. 82156

Counsel for Alcoa Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2011, I served a copy of the foregoing Statement of Basis and Purpose on the following by electronic service:

Ms. Jamie Ewing
Attorney Specialist
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118
ewing@adeq.state.ar.us


Marcella J. Taylor

BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

IN RE: REQUEST BY ALCOA INC. TO)
INITIATE RULEMAKING TO)
AMEND REGULATION NO. 2)

DOCKET NO. 10-006-R

THIRD-PARTY PETITIONER, ALCOA INC.'S
RESPONSE TO COMMENTS

On September 24, 2010, the Arkansas Pollution Control and Ecology Commission granted the Alcoa Inc.'s Petition To Initiate Third-Party Rulemaking to Amend APCEC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. A public hearing was held on November 18, 2010 in Bauxite, Arkansas. No public comments were submitted at the public hearing. The public comment period ended on December 2, 2010 and no public comments were received on the Petition. Therefore it is not necessary for Alcoa Inc. to respond to any comments from the public.

Respectfully submitted,

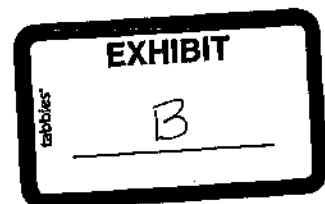
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, PLLC
425 W. Capitol Avenue, Suite 1800
Little Rock, Arkansas 72201-3525
(501) 688-8800

By: Marcella J. Taylor
Marcella J. Taylor, AR Bar No. 82156

Counsel for Alcoa Inc.

2011 MAR 31 PM 2:47


ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
PUB



CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2011, I served a copy of the foregoing Response to Comments on the following by United States Postal Service, postage prepaid and by electronic mail:

Jamie Ewing, Esq.
Attorney Specialist
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118
ewing@adeq.state.ar.us



Marcella J. Taylor

**BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

IN RE:

**REQUEST BY ALCOA INC. TO
INITIATE RULEMAKING TO
AMEND REGULATION NO. 2**

)
)
)

DOCKET NO. 10-006-R

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

On September 24, 2010, the Arkansas Pollution Control and Ecology Commission ("APCEC" or "Commission") granted Alcoa Inc's ("Alcoa") Petition to Initiate Third Party Rulemaking to Amend Regulation No. 2. Pursuant to Minute Order 10-36, the Arkansas Department of Environmental Quality ("ADEQ") submits the following Statement of Basis and Purpose and Responsiveness Summary regarding the above captioned Third-Party Petition to Initiate Rulemaking to Amend Regulation No. 2. In its Petition to Initiate Rulemaking, Alcoa requested a temporary modification to the chronic water quality standard for selenium in Holly Creek to reflect current and historic conditions in Holly Creek during the term of an Environmental Improvement Project ("EIP"). The EIP was approved by ADEQ pursuant to Ark. Code Ann. § 8-5-901 *et seq.* and by APCEC Reg.2.105 and Appendix B. The EIP was required by Alcoa's National Pollutant Discharge Elimination System ("NPDES") permit, Permit No. AR0000582,

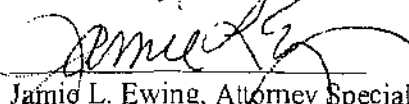
Statement of Basis and Purpose

This proposed rule change is part of an EIP that has been approved by ADEQ in accordance with state law. It is for temporary modification of a water quality standard while Alcoa pursues treatment options. ADEQ does not oppose this third-party request.

Responsiveness Summary

A public hearing was held on November 18, 2010, in Bauxite, Arkansas to receive public comments on the proposed rule changes. No oral comments were received at the public hearing. No written comments were received by the end of the public comment period on December 6, 2010.

Submitted by:


Jamie L. Ewing, Attorney Specialist
Arkansas Dept. of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118



ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 2

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

INITIAL DRAFT

Adopted by the Arkansas Pollution Control and Ecology Commission on July 22, 2011



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

Loutre 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)

	<u>Typical Streams</u>	<u>Spring Water Streams</u>	<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	30 (86)	30 (86)	32 (89.6)
Ouachita River			
(state line to Little Missouri River)	32 (89.6)		
Red River	32 (89.6)		
Turbidity (NTU) (base/all)	21/32	21/32	25/45
Red River (base/all)	50/150		
Minerals	see Reg. 2.511		see Reg. 2.511
Dissolved Oxygen (mg/l) **	<u>Pri.</u>	<u>Crit.</u>	see Reg. 2.505
<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

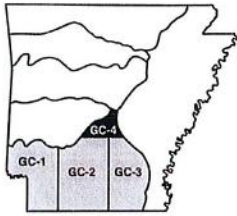
- Loutre Creek - from headwaters to railroad bridge, critical season D.O. standard - 3 mg/l; primary season - 5 mg/l; from railroad bridge to mouth, critical season D.O. - 2 mg/l (GC-2, #1)
- Unnamed tributary to Smackover Creek - headwaters to Smackover Creek, year round D.O. criteria - 2 mg/l (GC-2, #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)
- Bris 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°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 635 mg/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,
250 mg/l; Sulfate 431 mg/l, TDS, 966 (GC-3. #43)
Bayou de Loutre from the mouth of Gum Creek downstream to the mouth of Boggy Creek, Chloride, 250 mg/l;
Sulfate 345 mg/l, TDS, 780 (GC-3. #44)
Bayou de Loutre from the mouth of Boggy Creek downstream to the mouth of Hibank Creek, Chloride, 250 mg/l; Sulfate
296 mg/l, TDS, 750 (GC-3. #45)
Bayou de Loutre from the mouth of Hibank Creek downstream to the mouth of Mill Creek, Chloride, 250 mg/l; Sulfate
263 mg/l, TDS, 750 (GC-3. #46)
Bayou de Loutre from the mouth of Mill Creek downstream to the mouth of Buckaloo Branch ,Chloride, 250 mg/l;
Sulfate 237 mg/l, TDS, 750 (GC-3. #47)
Bayou de Loutre from the mouth of Buckaloo Branch downstream to the mouth of Bear Creek, Chloride, 250 mg/l;
Sulfate 216 mg/l, TDS, 750 (GC-3. #48)
Bayou de Loutre from the mouth of Bear Creek to the final segment of Bayou de Loutre, Chloride, 250 mg/l; Sulfate
198 mg/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, 631 mg/l; Sulfate, 63 mg/l, TDS, 1360; Selenium, 15.6 u/l

Variations Supported by EIP

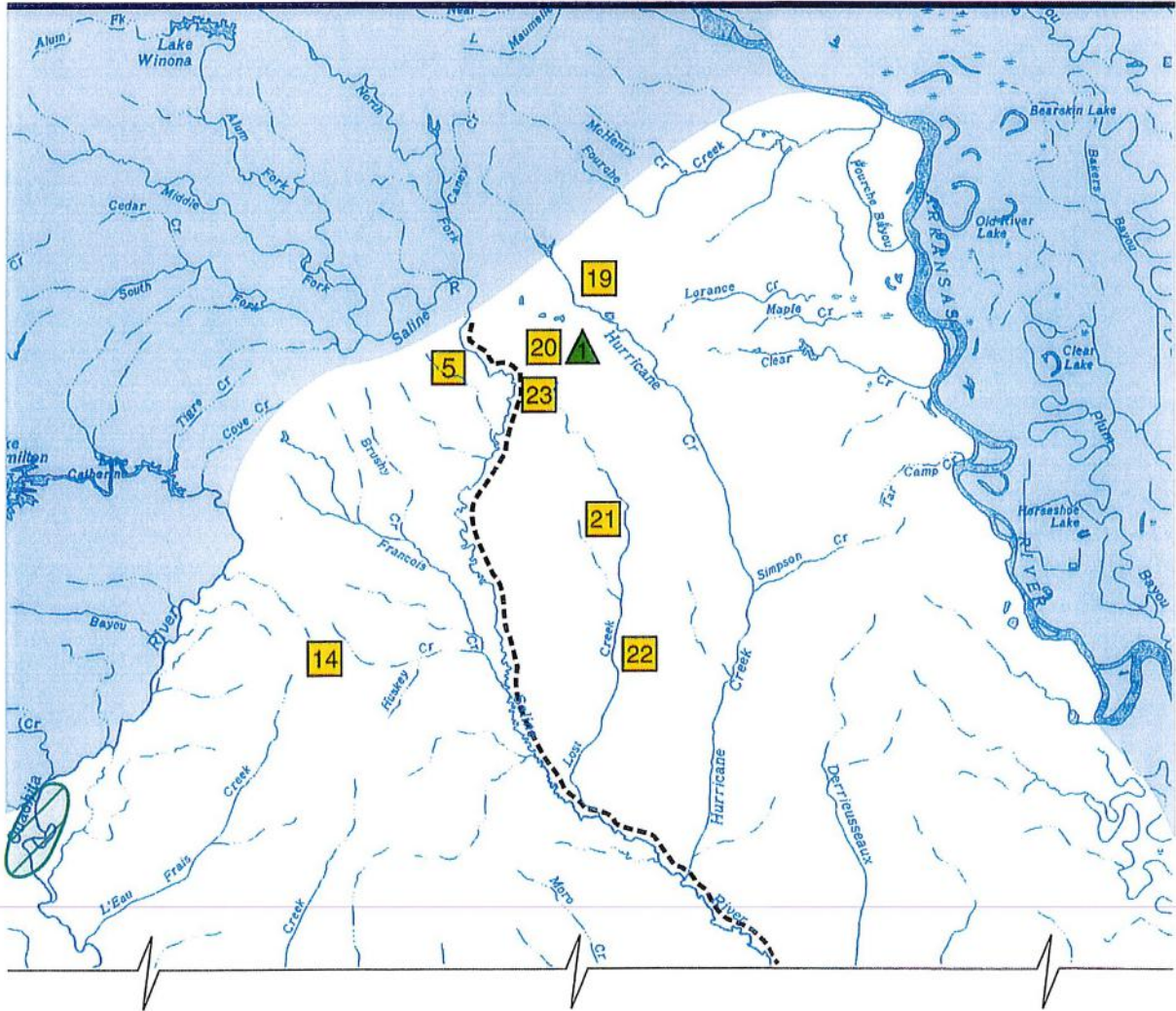
Holly Creek; Selenium, Chronic Standard, 17µg/l (GC-4, #1)

Plate GC-4 (Gulf Coastal Plain)



LEGEND

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



**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**Regulation No. 2, Alcoa Inc.
Third-Party Rulemaking**

DOCKET NO. 10-006-R

MINUTE ORDER NO. 11-_____

PAGE 1 OF 2

Alcoa Inc. ("Alcoa") filed a petition for third-party rulemaking to amend Regulation No. 2 "Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas" on September 3, 2010.

Arkansas Pollution Control and Ecology Commission Minute Order No. 10-36 authorized the initiation of rulemaking. One public hearing and a 45-day public comment period were held. No public comments were received. In accordance with Regulation No. 8, Statements and Basis and Purpose as well as Responsiveness Summaries were prepared for Commission review by both Alcoa and ADEQ.

It is therefore, ORDERED:

1. That Regulation No. 2 be amended to change the chronic selenium standard for Holly Creek to 17 µg/l for a period of time not to exceed fifteen (15) years from the effective date of the change while Alcoa carries out the Environmental Improvement Project ("EIP") to develop a technically and economically feasible treatment or source reduction technology.

2. That the Statement of Basis and Purpose and the Responsiveness Summary submitted by Alcoa 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 this change to Regulation No. 2.



**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**Regulation No. 2, Alcoa Inc.
Third-Party Rulemaking**

DOCKET NO. 10-006-R

MINUTE ORDER NO. 11-_____

PAGE 2 OF 2

**PROMULGATED THIS 22nd DAY OF JULY, 2011, BY ORDER OF THE ARKANSAS
POLLUTION CONTROL AND ECOLOGY COMMISSION.**

COMMISSIONERS:

_____ **J. Simpson**
_____ **L. Bengel**
_____ **S. Henderson**
_____ **D. Samples**
_____ **J. Bates**
_____ **J. Shannon**

_____ **J. Chamberlin**
_____ **L. Sickel**
_____ **W. Thompson**
_____ **S. Jorgensen**
_____ **B. White**
_____ **R. Young**

Chair, D. Hendrix

ATTEST: _____
Teresa Marks, Director

APPROVED: _____
Governor

SUBMITTED BY: Marcella Taylor

DATE PASSED: 7/22/11