

**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,

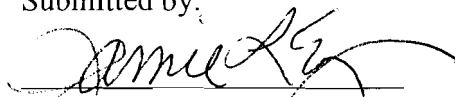
Statement of Basis and Purpose

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:



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