

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes

No

5. Is this a new rule?

Yes

No

If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule?

Yes

No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule?

Yes

No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Statute: Arkansas Water and Air Pollution Control Act, A.C.A. § 8-4-201(b)(1)(A)

Regulation: Commission Regulations 2.303, 2.306, and 8.809

7. What is the purpose of this proposed rule? Why is it necessary?

This rule is necessary to allow ADEQ to issue an NPDES Permit to Huntsville that will allow Huntsville to discharge historical levels of minerals in its wastewater. It is necessary because a study has found that discharges of historical levels of minerals has no adverse impacts on water quality, and there is no feasible treatment available to reduce the levels of minerals in the Huntsville wastewater to the levels that would be required if the rulemaking is not approved.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

A copy of the draft regulation showing the proposed changes, along with related support documents, will be available for viewing or downloading on the draft regulation page of the ADEQ's Internet web site at www.adeq.state.ar.us.

9. Will a public hearing be held on this proposed rule?

Yes

No

If yes, please complete the following:

August 20,

Date: 2013

Time: 6 p.m.

Place: Madison County Courthouse 201 W. Main Huntsville, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

August 30, 2013

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

November 1, 2013

12. Do you expect this rule to be controversial?

Yes

No

If yes, please explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known.

It is unlikely that any group will comment on this proposed rule. _____

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Environmental Quality
DIVISION Water Division
PERSON COMPLETING THIS STATEMENT Chuck Nestrud
TELEPHONE NO. 501.372.5800 **FAX NO.** 501.372.4941 **EMAIL:** cnestrud@cnjlaw.com

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Revisions to Arkansas Pollution Control and Ecology Commission Regulation No. 2 (Establishing Water Quality Standards for Surface Waters of the State of Arkansas)

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

See Attachment 1 for Economic Impact Statement

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue	<u>\$0</u>
Federal Funds	<u>\$0</u>
Cash Funds	<u>\$0</u>
Special Revenue	<u>\$0</u>
Other (Identify)	<u>\$0</u>
Total	<u>\$0</u>

Next Fiscal Year

General Revenue	<u>\$0</u>
Federal Funds	<u>\$0</u>
Cash Funds	<u>\$0</u>
Special Revenue	<u>\$0</u>
Other (Identify)	<u>\$0</u>
Total	<u>\$0</u>

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ \$0

Next Fiscal Year

\$ \$0

*The proposed rule will revise the chloride, sulfate and total dissolved solids (“TDS”) water quality criteria in Town Branch, Holman Creek and War Eagle Creek, and remove the drinking water use from certain segments of Town Branch and Holman Creek.

Assuming the proposed rule is approved by the Commission and the U.S. Environmental Protection Agency (“EPA”), the Arkansas Department of Environmental Quality (“ADEQ”) will be able to rely on the revised criteria to amend Huntsville’s National Pollutant Discharge Elimination System (“NPDES”) permit limits for minerals to reflect historical levels in the effluent, levels that Huntsville has demonstrated that it can meet consistently. Huntsville will therefore be positively impacted by the proposal. No entities would suffer negative economic impact as a result of the proposed rule. The total estimated cost for Huntsville to implement the proposed rule through permitting is unknown, but is unlikely to be significant.

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ \$0

Next Fiscal Year

\$ \$0

*Huntsville anticipates that ADEQ will administer and enforce the proposed rule with the same number of staff and resources it currently relies on to implement the permitting program.
