

BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

Secretary
Arkansas Pollution Control and Ecology
101 East Capitol, Suite 205
Little Rock, AR 72201
Filed 1/17/17 *PL*

IN RE: REQUEST BY CITY OF FAYETTEVILLE)
PAUL R. NOLAND WASTEWATER)
TREATMENT PLANT)
TO INITIATE RULEMAKING TO) DOCKET NO. 13-010-R
AMEND REGULATION NO. 2)

PETITIONERS' SUBSTITUTED EXHIBIT A TO ITS AMENDED
PETITION TO INITIATE THIRD-PARTY RULEMAKING AND
REQUEST FOR A SECOND PUBLIC NOTICE AND HEARING

Petitioner, City of Fayetteville Paul R. Noland Wastewater Treatment Plant
("Fayetteville"), hereby substitutes the attached Exhibit A for the Exhibit A which was attached
to its Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 and
Request for a Second Public Notice and Hearing filed on January 13, 2017.

Respectfully submitted,

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

By: 

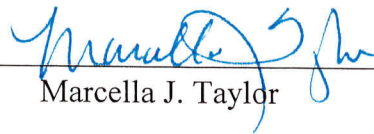
Marcella J. Taylor, AR Bar No. 82156
Allan Gates, AR Bar No. 72040

Counsel for the City of Fayetteville

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 2017, I served a copy of the foregoing Petitioners' Substituted Exhibit A to its Amended Petition to Initiate Third-Party Rulemaking and Request for a Second Public Notice and Hearing on the following by United States Postal Service, postage prepaid and by electronic service:

Michael McAlister, Esq.
Supervising Attorney
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118
mcalister@adeq.state.ar.us

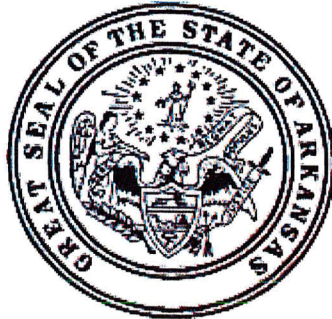


Marcella J. Taylor

EXHIBIT A

REDLINE VERSION OF APCEC REGULATION NO. 2 SHOWING PROPOSED AMENDMENT

ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION



REGULATION NO. 2

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

INITIAL DRAFT

Submitted to the Arkansas Pollution Control and Ecology Commission on January 27, 2017

<u>Stream</u>	<u>Concentration-mg/L</u>		
	<u>Cl⁻</u>	<u>SO₄⁼</u>	<u>TDS</u>
Little Red River (including Greers Ferry Reservoir)	20	30	100
Black River	20	30	270
Strawberry River	20	30	270
Spring River	20	30	290
Eleven Point River	20	30	270
Stennitt Creek	ER	ER	456*
South Fork Spring River	20	30	270
Myatt Creek	20	30	270
Current River	20	30	270
White River (Dam #3 to Missouri line, including Bull Shoals Reservoir)	20	20	180
Buffalo River	20	20	200
Crooked Creek	20	20	200
White River (Missouri line to headwaters, including Beaver Reservoir)	20	20	160
<u>White River from Noland WWTP to 0.4 miles downstream (WR-02)</u>	<u>44†</u>	<u>79†</u>	<u>362†</u>
<u>White River from WR-02 to WH10052</u>	<u>30†</u>	<u>40†</u>	<u>237†</u>
Kings River	20	20	150
West Fork White River	20	20	150
St. Francis River Basin			
St. Francis River (Mouth to 36° N. Lat.)	10	30	330
L'Anguille River	20	30	235
Tyronza River (headwaters to Ditch No. 6 confluence)	20	30	350
Ditch No. 27	ER	480	1200
Ditch No. 6 (mouth to Ditch No. 27 confluence)	ER	210	630
Tyronza River (mouth to Ditch No. 6 confluence)	20	60	350
Little River	20	30	365
Pemiscot Bayou	20	30	380
St. Francis River (36° N. Lat. to 36° 30' N. Lat.)	10	20	180
Ouachita River Basin			
Bayou Bartholomew	50	20	500
Chemin-A-Haut Creek	50	20	500
Overflow Creek	20	30	170
Bayou Macon	30	40	330
Boeuf River	90	30	460
Big Cornie Creek	230	30	500
Little Cornie Creek	200	10	400
Three Creeks	250	10	500
Little Cornie Bayou	200	20	500
Unnamed trib from GLCC 003	538*	35*	519*
Unnamed trib to Little Cornie Bayou	305*	ER	325*
Little Cornie Bayou from unnamed trib to State Line	215*	25*	500*
Walker Branch	180*	ER	970*

Seasonal Ozark Highlands aquatic life use - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Ozark Highlands aquatic life use - all streams with watersheds of 10 mi² and larger and those waters where discharges equal or exceed 1-cfs

*As designated in the National Wild and Scenic Rivers System

**Except for those waters with designated use variations supported by Use Attainability Analysis or other investigations.

Site Specific Designated Use Variations Supported by Use Attainability Analysis or Other Investigations

- Railroad Hollow Creek - no fishable/swimmable uses (OH-1, #1)
- Columbia Hollow Creek - seasonal aquatic life use March-June (OH-1, #2)
- Curia Creek - below first waterfall, perennial aquatic life use (OH-4, #3)
- Moccasin Creek - below Arkansas Highway 177, perennial aquatic life use (OH-3, #4)
- Stennitt Creek- from Brushy Creek to Spring River, no domestic water supply use (OH-4, #6)

SPECIFIC STANDARDS: OZARK HIGHLANDS ECOREGION
(Plates OH-1, OH-2, OH-3, OH-4)

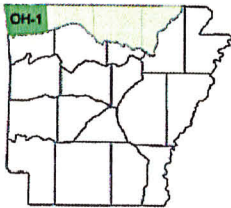
	<u>Streams</u>		<u>Lakes and Reservoirs</u>
Temperature °C (°F)*	29 (84.2)		32 (89.6)
Trout waters	20 (68)		
Turbidity (NTU) (base/all)	10/17		25/45
Minerals	see Reg. 2.511		see Reg. 2.511
Dissolved Oxygen**	<u>Pri.</u>	<u>Crit</u>	see Reg. 2.505
<10 mi ² watershed	6	2	
10 to 100 mi ²	6	5	
>100 mi ² watershed	6	6	
Trout waters	6	6	

All other standards (same as statewide)

Site Specific Standards Variations Supported by Use Attainability Analysis

- Railroad Hollow Creek: from headwaters to Spavinaw Creek - year-round dissolved oxygen - 2 mg/L (OH-1, #1)
- Curia Creek - below first waterfall, critical season dissolved oxygen 6 mg/L (OH-4, #3)
- Moccasin Creek - below Highway 177, critical season D.O. 5mg/L (OH-3, #4)
- SWEPCO Reservoir - maximum temperature 54°C (limitation of 2.8°C above natural temperature does not apply) (OH-1, #5)
- Stennitt Creek - from Brushy Creek to Spring River, total dissolved solids = 456 mg/L (OH-4, #6)
- White River - from Noland WWTP to 0.4 miles downstream (WR-02), chloride = 44 mg/L, sulfate = 79 mg/L, TDS = 362 mg/L (OH-1, #7) †**
- White River - from WR-02 to WH10052, chloride = 30 mg/L, sulfate = 40 mg/L, TDS = 237 mg/L (OH-1, #8) †**

Plate OH-1 (Ozark Highlands)



LEGEND

- Extraordinary Resource Waters
- Natural and Scenic Waterways
- Variation by UAA
- Ecologically Sensitive Waterbodies
- ESW Caves, Springs, and Seeps
- Trout Waters

