

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

Secretary  
Arkansas Pollution Control and Ecology  
101 East Capitol, Suite 205  
Little Rock, AR 72201  
Filed  9:50 a.m.  
8/11/17

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 )

**CITY OF FAYETTEVILLE PAUL R. NOLAND  
WASTEWATER TREATMENT PLANT'S MOTION FOR THE  
ADOPTION OF PROPOSED AMENDMENTS TO REGULATION NO. 2**

The City of Fayetteville Paul R. Noland Wastewater Treatment Plant (“City of Fayetteville”), in support of its Motion for the Adoption of Proposed Changes to the Arkansas Pollution Control and Ecology Commission’s (“APCEC” or “the Commission”) Regulation No. 2 to amend the chloride, sulfate of total dissolved solids (“TDS”) water quality criteria for the portion of the White River from the Noland Wastewater Treatment Plant to ADEQ monitoring station WH10052 submits the following:

1. By Minute Order 17-04, dated January 27, 2017, the Commission granted the City of Fayetteville’s Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.
2. Public notice of the rulemaking was published in the *Arkansas Democrat-Gazette* on January 31 and February 1, 2017. On March 27, 2017 a public hearing was held at 6:00 p.m. at the Walker Community Room of the Fayetteville Public Library, 401 W. Mountain Street, Fayetteville, Arkansas. The deadline for submitting written public comments was April 10, 2017. In compliance with Minute Order 17-04, the City of Fayetteville filed its Statement of

Basis and Purpose and its Response to Comments April 28, 2017. *See* Exhibit A attached hereto.

On June 5, 2017 ADEQ filed its Responsive Summary. *See* Exhibit B attached hereto.

3. Attached hereto as Exhibit C are the final proposed amendments to APCEC Regulation No. 2.

4. On July 10, 2017, the City of Fayetteville's proposed amendments to APCEC Regulation No. 2 were reviewed by the Joint Senate and House committee on Public Health, Welfare, and Labor. On August 15, 2017, the proposed amendments will be reviewed by the Administrative Rules and Regulation Subcommittee of the Arkansas Legislative Council, and on August 18, 2017, the matter will be before that Arkansas Legislative Council for approval. The City of Fayetteville believes that this matter will pass the Administrative Rules and Regulations Subcommittee and receive approval from the Arkansas Legislative Council. If this does not occur, the City of Fayetteville will withdraw this Motion for Adoption. *See* Regulations Tracking Sheet attached hereto as Exhibit D.

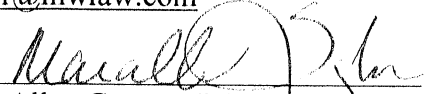
5. On January 4, 2017, the City of Fayetteville was notified that its proposed amendments had been approved by the Office of the Governor. *See* Exhibit C attached to the City of Fayetteville's Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.

6. Attached hereto as Exhibit E is the proposed Minute Order adopting the amendments to APCEC Regulation No. 2 requested by the City of Fayetteville in its Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.

WHEREFORE, the City of Fayetteville respectfully asks this Commission to adopt the amendments to APCEC Regulation No. 2 set forth in Exhibit C attached hereto.

Respectfully submitted,

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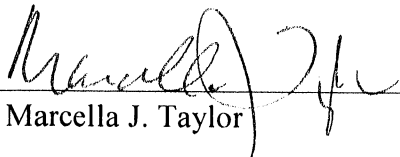
By:   
Allan Gates, AR Bar No. 72040  
Marcella J. Taylor, AR Bar No. 82156

**Counsel for City of Fayetteville Paul R. Noland  
Wastewater Treatment Plant**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of August, 2017, I served a copy of the foregoing Motion for the Adoption of Proposed Amendments to Regulation No. 2 on the following by electronic service:

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Managing Attorney, Legal Division  
Arkansas Department of Environmental Quality  
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Marcella J. Taylor