

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

Secretary  
Arkansas Pollution Control and Ecology  
91 East Capitol, Suite 205  
Little Rock, AR 72201  
Filed 1/9/17

**IN RE: REQUEST BY THE CITY OF HARRISON )  
AND THE CITY OF YELLVILLE )  
TO INITIATE RULEMAKING TO ) DOCKET NO. 15-002-R  
AMEND REGULATION NO. 2 )**

**THE CITIES OF HARRISON AND YELLVILLE’S MOTION FOR THE  
ADOPTION OF PROPOSED AMENDMENTS TO REGULATION NO. 2**

The City of Harrison and the City of Yellville (“the Cities”), in support of their Motion for the Adoption of Proposed Changes to the Arkansas Pollution Control and Ecology Commission’s (“APCEC” or “the Commission”) Regulation No. 2 to (a) amend chloride, sulfate and total dissolved solids (“TDS”) criteria for Crooked Creek from the outfall of Harrison’s Wastewater Treatment Plant (“the Harrison WWTP”) to ADEQ Monitoring Station WHI0193; and (b) amend the TDS water quality criteria from ADEQ Monitoring Station WHI0193 to the mouth of Crooked Creek state:

1. By Minute Order 15-18, dated August 28, 2015, the Commission granted the Cities’ Petition to Initiate Third-Party Rulemaking.
2. Public notice of the rulemaking was published in the *Arkansas Democrat-Gazette* and the *Harrison Daily Times* on September 2 and 3, 2015. On October 19, 2015, a public hearing was held at 6:00 p.m. at the Durand Conference Center B, North Arkansas Community College, 303 N. Main Street, Harrison, AR 72601. The deadline for submitting written public comments was November 2, 2015. In compliance with Minute Order 15-18, the Cities filed their Statement of Basis and Purpose and their Response to Comments on September 6, 2016. *See*

Exhibit A attached hereto. On October 21, 2016, ADEQ filed its Responsive Summary. *See* Exhibit B attached hereto.

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

4. On November 30, 2016, the Cities' proposed amendments to APCEC Regulation No. 2 were reviewed by the Joint Senate and House committee on Public Health, Welfare, and Labor. On December 13, 2016, the proposed amendments were reviewed by the Administrative Rules and Regulation Subcommittee of the Arkansas Legislative Council and on December 16, 2016, the proposed amendments were approved by the Arkansas Legislative Council. *See* Regulations Tracking Sheet attached hereto as Exhibit D.

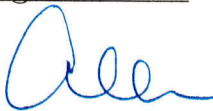

5. On July 28, 2015, the Cities were notified that their proposed amendments had been approved by the Office of the Governor. *See* Exhibit E attached hereto.

6. Attached hereto as Exhibit F is the proposed Minute Order adopting the amendments to APCEC Regulation No. 2 requested by the Cities in their Petition to Initiate Third-Party Rulemaking.

WHEREFORE, the City of Harrison and the City of Yellville respectfully ask this Commission to adopt the amendments to APCEC Regulation No. 2 set forth in Exhibit C attached hereto.

Respectfully submitted,

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


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

**Counsel for the Cities of Harrison and Yellville**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of January, 2017, I served a copy of the foregoing Motion For the Adoption of Proposed Amendments to Regulation No. 2 electronically and by U.S. Postal Delivery on the following:

Michael McAlister, Esq.  
Attorney Supervisor  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118  
[mcalister@adeq.state.ar.us](mailto:mcalister@adeq.state.ar.us)

  
Allan Gates