

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

**IN RE:           REQUEST BY VULCAN CONSTRUCTION    )**  
**MATERIALS, LLC TO INITIATE            ) DOCKET NO. 19-001-R**  
**RULEMAKING TO AMEND RULE NO. 2    )**

**VULCAN CONSTRUCTION MATERIALS, LLC'S MOTION  
FOR THE ADOPTION OF PROPOSED AMENDMENTS TO RULE NO. 2**

Vulcan Construction Materials, LLC ("Vulcan") moves for the Adoption of Proposed Amendments to Arkansas Pollution Control and Ecology Commission ("APCEC" or "the Commission") Rule No. 2 to establish site-specific dissolved minerals water quality criteria for an Unnamed Tributary of Brush Creek, a portion of Brushy Creek, and a portion of Stennitt Creek, and remove the designated, but not existing, domestic water supply use for the Unnamed Tributary and the portion of Brushy Creek involved in this rulemaking. In support, Vulcan states the following:

1. By Minute Order No. 19-08, dated June 28, 2019, the Commission granted Vulcan's Petition to Initiate Third-Party Rulemaking to Amend Rule No. 2.
2. Public notice of the rulemaking was published in the *Arkansas Democrat-Gazette* on July 14 and 21, 2019. A public hearing was held at 6:00 p.m. on August 29, 2019, in the Lawrence County Meeting Room, 115 West Walnut Street, Walnut Ridge, Arkansas. The deadline for submitting written public comments was September 11, 2019. In compliance with Minute Order No. 19-08, Vulcan prepared a Statement of Basis and Purpose and a Responsive Summary, which are attached as Exhibit A. The Division of Environmental Quality also prepared a Responsive Summary, which is attached as Exhibit B.
3. A copy of the final proposed amendments to APCEC Rule No. 2 is attached to this motion as Exhibit C.

4. On November 4, 2019, Vulcan's proposed amendments to APCEC Rule No. 2 were reviewed by the Joint Senate and House Committee on Public Health, Welfare, and Labor. On December 18, 2019, the proposed amendments were reviewed and approved by the Administrative Rules Subcommittee of the Arkansas Legislative Council, and, on June 21, 2019, the Arkansas Legislative Council reviewed and approved the proposed amendments. *See* Regulation Tracking Sheet attached as Exhibit D.

5. On May 13, 2019 Vulcan was notified that the proposed amendments had been approved by the Office of the Governor. *See* Exhibit E.


6. A copy of the proposed Minute Order adopting the final proposed amendments to APCEC Rule No. 2 requested by Vulcan in its Petition is attached as Exhibit F.

WHEREFORE, Vulcan Construction Materials, LLC, requests that the Commission adopt the amendments to APCEC Rule No. 2, as set forth in the attached Exhibit C.

Dated: January 9, 2020.

Respectfully submitted,

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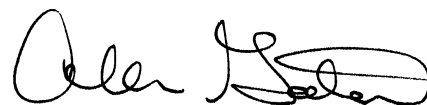
**Counsel for Vulcan Construction Materials, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9<sup>th</sup> day of January, 2020, I served an electronic copy of the foregoing Motion for Adoption of Proposed Amendments to Rule No. 2 on the following by United States Postal Service, postage prepaid and by electronic service:

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Allan Gates