

EXHIBIT B

DEQ'S RESPONSIVE SUMMARY

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN RE: REQUEST BY)	
VULCAN CONSTRUCTION)	
MATERIALS, LLC – BLACK ROCK QUARRY)	
TO INITIATE RULEMAKING TO AMEND)	DOCKET NO. 19-001-R
REGULATION NO.2)	

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY'S
RESPONSIVE SUMMARY

On June 28, 2019, the Arkansas Pollution Control and Ecology Commission by Minute Order 19-08 granted the petition filed by Vulcan Construction Materials, LLC – Black Rock Quarry (“Vulcan”) to initiate rulemaking to amend APC&EC Regulation No.2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. A public hearing was held on August 19, 2019, in Lawrence County, Arkansas. No public comments were made at the public hearing. The public comment period ended on September 11, 2019. The Arkansas Department of Health submitted a written comment.

Summary of Comment:

Commenter: Arkansas Department of Health

Arkansas Department of Health (ADH) objected to the removal of the domestic supply designated use for both the unnamed tributary and Brushy Creek as proposed because these creeks are tributaries of the Spring River in the watershed of Northeast Arkansas Public Water Authority (NEPWA), a source of drinking water to almost 4000 Arkansans. ADH stated that the

domestic water supply use designation is appropriate and necessary for all streams within the watershed of a public water supply.

ADH cited to 40 C.F.R. §131.10(b) which states, "In designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the attainment and maintenance of the water quality standards for downstream waters."

ADH noted that the drinking water designated use was removed for Stennitt Creek in 1999. ADH stated that it did not oppose the increase because no drinking water intake was located downstream on the Spring River and the proposed revised standard did not exceed the secondary maximum contaminant level.

Response: DEQ acknowledges ADH's position on retaining the domestic water supply use in the unnamed tributary and Brushy Creek. The unnamed tributary flows into Brushy Creek, which flows into Stennitt Creek. Stennitt Creek does not have a domestic water supply designated use from the mouth of Brushy Creek to the confluence with the Spring River. The domestic water supply designated use on Stennitt Creek was removed before NEPWA began using water from the Spring River.

DEQ acknowledges the considerations outlined in 40 C.F.R. § 131.10(b). DEQ has considered the attainment and maintenance of the water quality standards for the segment of the Spring River where NEPWA has a drinking water intake. DEQ has concluded that the domestic water supply designated use is being maintained in that segment of the Spring River. The Use Attainability Analysis submitted by Vulcan states, "[the Mass Balance Results for 7Q10 Conditions] show that discharges from Outfall 001 have minimal impact on TDS and sulfate

concentrations in the Spring River. Discharges from Outfall 001 will not cause exceedances of [domestic water supply] criteria in the Spring River for 7Q10 conditions.”

Respectfully submitted,

By: 

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