

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT- Proposed Regulation No. 37
Nutrient Water Quality Trading
Third-Party Rulemaking
NORTHWEST ARKANSAS NUTRIENT TRADING
RESEARCH AND ADVISORY GROUP**

DOCKET NO. 18-001-R

MINUTE ORDER NO. 20-

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On January 11, 2018, the Northwest Arkansas Nutrient Trading Research and Advisory Group ("NANTRAG") filed a Petition to Initiate Third-Party Rulemaking to adopt a new regulation, Proposed Regulation No. 37 - *Arkansas Nutrient Water Quality Trading Regulations* (Petition). The Commission met on January 26, 2018, to review NANTRAG's Petition. Having considered the Petition, the Commission ordered the initiation of a rulemaking proceeding to consider the adoption of Proposed Regulation No. 37.

On January 10, 2020, Springdale Water Utilities filed a Request to Substitute Parties. Springdale Water Utilities requested that the Commission substitute Springdale Water Utilities in the place of NANTRAG as the third-party petitioner in this rulemaking docket. On January 21, 2020, Arkansas Rural Water Association, Beaver Water District, and Central Arkansas Water filed an Objection to Request of Springdale Water Utilities to Substitute Parties and, in the Alternative, Request to Substitute Arkansas Rural Water Association, Beaver Water District, and Central Arkansas Water as Parties.

The Commission, having considered the Request of Springdale Water Utilities and the Objection and Alternative Request of Arkansas Rural Water Association, Beaver Water District, and Central Arkansas Water, hereby denies the request of Springdale Water Utilities to be substituted in the place of NANTRAG and orders that Arkansas Rural Water Association, Beaver Water District, and Central Arkansas Water be substituted in the place of NANTRAG as the third-party petitioner in this rulemaking docket. Within ninety (90) days of the date of this order, Arkansas Rural Water Association, Beaver Water District, and Central Arkansas Water shall submit to the Commission for consideration a revised Proposed Rule No. 37 and a proposed procedural schedule that includes provisions for public notice, public hearings, and public comment on the proposed rule and such other provisions necessary to allow this matter to proceed orderly, efficiently, and in accordance with Commission Regulation No. 8.

COMMISSIONERS

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_____ **SUBMITTED BY: Colleen Gaston** **PASSED: 01/24/20**
D. Melton, Chair