

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 2, REGULATIONS ESTABLISHING)
WATER QUALITY STANDARDS FOR SURFACE) DOCKET NO. 07-003-R
WATERS IN THE STATE OF ARKANSAS)

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE

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ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION
OFFICE OF THE SECRETARY
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I. Introduction

The Clean Water Act requires that States review their water quality standards every three years. The Department began the current Triennial Review process with a series of public meetings beginning in February 2006.

The Department chose to address the issues of the current Triennial Review in a two-phase process. The first phase addressed issues related to Extraordinary Resource Waters. On September 22, 2006, the Arkansas Pollution Control and Ecology Commission (hereinafter "Commission") granted the Department's petition to initiate rulemaking to amend Regulation No. 2 with regard to the first phase of the Triennial Review process.

The second phase of the Triennial Review has addressed technical issues. The second phase of the Triennial Review process began in October 2006. On April 27, 2007, the Commission granted the Department's petition to initiate rulemaking to amend Regulation No. 2 for the second phase of the Triennial Review process.

II. Public Comment Process

A public hearing was held on June 20, 2007 in Little Rock. Seven persons were in attendance at the public hearing, with one (1) oral comment submitted. A total of eleven (11) written comments were submitted, for a total of twelve (12) public comments received. The majority of the comments were submitted by industry or entities that regularly represent industry

interests. One comment was submitted by an environmental public interest organization. Based on the comments received, ADEQ has revised the proposed changes. All revisions are a logical outgrowth of the proposed rulemaking and do not require an additional public notice and comment period.

III. Basis and Purpose of the Proposed Changes

The following outline states the basis and purpose for each of the proposed changes. This list represents the proposed changes as revised based on the public comments received.

- A. Add the definition of “Base Flows” to Section 2.106, Definitions - This definition was added to describe “base flows” and differentiate “base flows” from “all flows” in Section 2.503, Turbidity.
- B. Add the definition of “*Escherichia coli*” to Section 2.106, Definitions - This definition was added to define *Escherichia coli* bacteria and differentiate *E. coli* bacteria from fecal coliform bacteria.
- C. Add the definition for “All Flows” to Section 2.106, Definitions - This definition was added to describe “all flows” and differentiate “all flows” from “base flows” in Section 2.503, Turbidity.
- D. Update the reference to the Arkansas Natural Resources Commission in Section 2.203, Outstanding Resource Waters – This change reflects the name change of the Arkansas Soil and Water Conservation Commission to the Arkansas Natural Resources Commission.
- E. Updating the common names and scientific names of fishes in Section 2.302(F)(3)(e) & (f), Designated Uses, and Appendix C - Scientific names were updated in accordance with the “American Fisheries Society 6th Edition of the “Common and Scientific Names of Fishes” (Nelson et al. 2004).”

- F. Deleting “tracers used in hydrological studies” from the list of activities that require a short-term activity authorization in Section 2.305, Short Term Activity Authorization - The Department decided to remove the requirement of obtaining a short term activity authorization for the use of tracers used in hydrological studies for the following reasons:
- 1) there are very few requests for such authorization;
 - 2) the tracers are mainly used as part of scientific studies;
 - 3) there are no impacts to water quality when used; and
 - 4) there are no violations of water quality standards when used.
- G. Replace term “Primary Values” with “Base-Flow Values” and “Storm-Flow Values” with “All-Flow Values” in Section 2.503, Turbidity – This change was made to be consistent with ADEQ’s assessment methodology and to reduce the confusion between this language and other language within Regulation No. 2.
- H. Revise language related to maximum allowable levels of bacteria in primary and secondary contact waters in Reg. 2.507, Bacteria – Revisions to Reg 2.507 were made following EPA’s guidance document, “Ambient Water Quality Guidance for Bacteria”, EPA440/5-84-002, 1986.
- I. Revise 2.507(C) to clarify that *E. coli* will be used for ambient water quality assessment – Revisions to Reg 2.507 were made following EPA’s guidance document, “Ambient Water Quality Guidance for Bacteria”, EPA440/5-84-002, 1986.
- J. Revise Beryllium criteria in the list of Human Health Criteria in Section 2.508, Toxic Substances – Revisions were based on the maximum concentration level (MCL) approved by EPA under the authority of the Safe Drinking Water Act and the national recommended

water quality criterion for beryllium for the protection of human health as shown in EPA's current (2006) National Recommended Water Quality Criteria table.

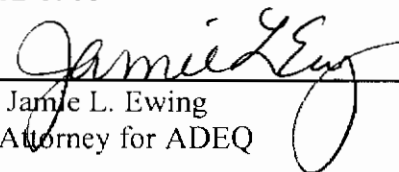
- K. Delete language in Section 2.511, Mineral Quality to make the standard consistent with current assessment methodology – The language was deleted because it limited the Department's ability to assess more than one year's worth of water quality data at a time.
- L. Revise the site specific table for dissolved minerals – These revisions include the modifications in accordance with Reg. 2.306, Procedures for Removal of Any Designated Use Except Fishable/Swimmable, and Modification of Water Quality Criteria not Related to Fishable/Swimmable Uses. In addition, site specific criteria was added for Lost Creek Ditch. It is the upper extension of Bayou DeView. This segment has been considered Bayou DeView in previous assessments until it was learned that upper Bayou DeView is actually called Lost Creek Ditch.
- M. Revise the Ecoregion reference stream data (mg/L) dissolved mineral criteria in Section 2.511, Mineral Quality – This table was revised to make it more user-friendly. The previous version had the raw data displayed with an explanation of how to calculate the evaluation values in the following paragraph. The revised table is a list of the calculated ecoregion reference stream values.
- N. Revise the paragraph describing mineral criteria for drinking water in Section 2.511, Mineral Quality – This revision serves to differentiate between drinking water criteria, ecoregion criteria, and site specific criteria.
- O. Add Lost Creek Ditch (Cache River) to the list of streams with mineral standards in Section 2.511, Mineral Quality – This segment will have the same standards as Bayou DeView – see subpart "M" above.

- P. Add "Hurricane Creek" to clarify descriptions of two streams listed in Section 2.511, Mineral Quality – Two stream segments in the Ouachita River portion of the table in Section 2.511 only had a description of a portion of a stream and did not reference the stream by name.
- Q. Change the word "limits" to "criteria" in Section 2.511, Mineral Quality - This terminology change clarifies the use of the data between National Pollution Discharge Elimination System ("NPDES") permitting and assessment methodologies.
- R. Replace the phrase (primary/storm) with (base/all) in Appendix A – See subpart "H" above.
- S. Changed Great Lakes to Chemtura in Appendix A. - This change reflects the change in facility name.

Respectfully submitted,

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