

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 2, REGULATION ESTABLISHING) DOCKET NO. 10-002-R
WATER QUALITY STANDARDS FOR SURFACE)
WATERS OF THE STATE OF ARKANSAS)

SECOND AMENDED PETITION
TO INITIATE RULEMAKING

On April 9, 2010, the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), submitted its Amended Petition to Initiate Rulemaking to Amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. The Arkansas Pollution Control and Ecology Commission (“Commission”) considered the Amended Petition at its April 2010 meeting. After considering the public comments on the Amended Petition, the Commission requested additional data from the Department.

The Department has met with stakeholders concerning the proposed rulemaking and has made additional revisions to the proposal. As such, the Department respectfully submits this Second Amended Petition, and Exhibits A-F attached hereto, and asks the Commission to initiate rulemaking to amend Regulation No. 2.

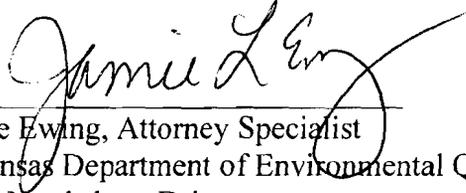
Exhibit A (marked-up copy of the regulation) has been revised as follows:

- 1) Removed Aquatic life definition.
- 2) Revised Critical flows definition.
- 3) Added back Fishery and Seasonal fishery definitions.
- 4) Removed the last sentence from the Maximum contaminant level definition.
- 5) Reg 2.302, section (F), changed back to ‘Fisheries.’

- 6) Removed 'revised' last sentence from Reg 2.405. The original sentence was changed to remove only "collect and."
- 7) Reg 2.504 was changed to read "below 6.0 or above 9.0."
- 8) Reg 2.505, second paragraph, second sentence, following "flows below 1 cfs, such..." 'aquatic biota' was changed back to 'fishery.'
- 9) Reg 2.508, toxic values were changed back to original numbers and formulas.

Jamie Ewing, Legal Division, and Steve Drown, Water Division, will be available to answer any questions about the Second Amended Petition and the current version of the proposed changes to the regulation.

Respectfully Requested,

By: 
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