

Exhibit A:

Statement of Basis and Purpose

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS
TO RULE 2: RULE ESTABLISHING
WATER QUALITY STANDARDS FOR
SURFACE WATERS OF THE STATE
OF ARKANSAS**

DOCKET NO. 20-004-R

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT,
DIVISION OF ENVIRONMENTAL QUALITY'S
STATEMENT OF BASIS AND PURPOSE**

The Arkansas Pollution Control and Ecology Commission ("Commission") is given the power and responsibility to promulgate rules and regulations. Under Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes that are administered by the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ).

DEQ filed a Petition to Initiate Rulemaking on Rule 2 on June 12, 2020, to incorporate the state regulatory amendments set forth in Acts 315 and 910 of 2019; EPA Region 6 Record of Decision for the 2013 triennial review of Rule 2 where standards were either disapproved or had "no action" taken; and make minor, non-substantive stylistic and formatting corrections throughout the rule. The Commission approved the Petition to Initiate Rulemaking at its June 26, 2020 meeting.

The proposed regulatory amendments include the following:


- a. Amendments to incorporate Acts 910 and 315 of 2019 of the Arkansas General Assembly that amend the name of ADEQ and references to rules;
- b. Amendments necessitated by EPA Region 6 Record of Decision for the 2013 triennial review of Rule 2 where standards were either disapproved or had "no action" taken; and
- c. Minor, non-substantive stylistic and formatting corrections throughout the regulation.

Public notice of the proposed rulemaking for Rule 2 was published statewide on July 4 and 5, 2020, in the Arkansas Democrat-Gazette. Publication of that notice began the public comment period, and a public hearing was held on July 29, 2020, to receive comments on the proposed rule changes to Rule 2. The public comment period closed on September 8, 2020.

The public comment record for the proposed Rule contains comments from approximately thirty-seven commenters.

The proposed changes Rule 2 contain no technical standards that must be addressed pursuant to Rule 8.815(A)(1)(ii). These rules are in the public interest.

Respectfully Submitted,

By: 
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