

IN THE MATTER OF AMENDMENTS TO)
RULE 2, RULE ESTABLISHING)
WATER QUALITY STANDARDS FOR SURFACE) DOCKET NO. 24-005-R
WATERS OF THE STATE OF ARKANSAS)

DEQ initiated this rulemaking to revise Rule 2, “Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas,” which is necessary to revise criteria to reflect the latest science to ensure protection of human and aquatic life, incorporate new toxics criteria protective of human health, and remove certain outdated unnecessary criteria. Revised criteria include: primary contact recreation season dates, *E. coli* geometric mean criteria for “All Other Waters,” cadmium and ammonia criteria, site specific pH criteria for five waterbodies, site-specific dissolved oxygen criteria for three waterbodies, ecoregion boundary updates, and addition of threatened and endangered species names to existing Ecologically Sensitive Waterbodies. New human health criteria include: benzene, toluene, ethylbenzene, xylene, and phenol. Removed criteria include: fecal coliform criteria; trout water use on Bull Shoals, Greers Ferry, and Ouachita where trout are no longer stocked; site-specific temperature criteria from one waterbody where the Entergy plant no longer operates; and exception of “no fishable/swimmable uses” from three waterbodies where seasonal aquatic life use is appropriate. Additional non-substantive revisions are proposed throughout Rule 2 for consistency and clarity and to be consistent with the Code of Arkansas Rules (CAR), which changes Rule 2 to 8 CAR Part 21.

Public notice of the proposed rulemaking for Rule 2 was published statewide on December 7 and 8, 2024, and a second notice was published on December 22, 2024, in the Arkansas Democrat-Gazette. Publication of that notice began the public comment period, and public hearings were held on January 6, 2025, and February 5, 2025, to receive comments on the proposed rule changes to Rule 2. The public comment period closed on February 5, 2025. The public comment record for the proposed Rule contains comments from six (6) commenters.

The amendments to Rule 2 contain no technical standards that must be addressed pursuant to Rule 8.815(A)(1)(ii). These rules are necessary to serve the public interest and ensure compliance with state and federal law.

Respectfully Submitted,

By: 

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EXHIBIT A