

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

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 )

PETITION TO INITIATE RULEMAKING TO AMEND RULE 2

Comes now, the Department of Energy and Environment, Division of Environmental Quality (DEQ or "Division"), by and through its attorney, Basil V. Hicks III, and for its Petition to Initiate Rulemaking to Amend Rule 2, Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas, states:

1. DEQ proposes the amendments listed below for portions of Rule 2, pursuant to the Federal Water Pollution Control Act ("Clean Water Act"), 33 U.S.C. §1251 *et seq.* Arkansas has been delegated the authority to establish and administer water quality standards. The Clean Water Act requires states to review their water quality standards on a triennial basis and to amend those standards as necessary.

2. Joe Martin and Basil V. Hicks III from DEQ will be available to answer questions concerning this proposed rulemaking. The proposed regulatory amendments are as follows:

- a. Amendments to provide clarification to sections of the rule that were otherwise unclear and minor corrections to make the rule more illustrative of the regulatory intent.
- b. Amendments to update the Rule to be consistent with the Code of Arkansas Rules (CAR) which changes Rule 2 to 8 CAR Part 21.
- c. Amendments to incorporate revised criteria:

- i. Bacteria – expand primary contact season from May 1 – September 30 to April 1 – October 31 and revise E. coli geometric mean criteria for “All Other Waters.”
  - ii. Revise current Rule 2 cadmium criteria (1998) to EPA updated 2016 criteria.
  - iii. Revise current Rule 2 ammonia criteria (1999) to EPA updated 2013 criteria.
  - iv. Ecoregion plates – update current 1980s level 3 ecoregion boundary depictions based on revised 2004 Omernik et.al. ecoregion boundary depictions and update ecoregion names.
  - v. Add threatened and endangered species to current ESW designated streams.
- d. Amendments to incorporate new criteria:
  - i. Add benzene, toluene, ethylbenzene, xylene, and phenol criteria.
  - ii. Add site specific pH criteria to five waterbodies.
  - iii. Add site specific dissolved oxygen (DO) criteria to three waterbodies.
- e. Amendments to remove certain criteria:
  - i. Bacteria – remove fecal coliform criteria.
  - ii. Remove trout water from Bull Shoals Reservoir – Lower Portion, Greers Ferry Reservoir, and Lake Ouachita.
  - iii. Remove “Unnamed tributary of Lake June below Entergy Couch Plant to confluence with Lake June – maximum water temperature 95 degrees F (limitation of 5 degrees above natural temperature does not apply) (GC-1, #30).”
  - iv. Remove “Unnamed tributary to Smackover Creek – no fishable/swimmable uses (GC-2, #2).” Add seasonal aquatic life and secondary contact recreation. Remove site specific criteria “Year-round DO 2 mg/L.”
  - v. Remove “Unnamed tributary to Flat Creek – no fishable/swimmable uses (GC-2, #4).” Add seasonal aquatic life and secondary contact recreation. Remove site specific criteria “Year-round DO 2 mg/L.”
  - vi. Remove exceptions “no fishable/swimmable or domestic water supply uses” and “exempt from Rule 2.406 and Chapter 5” from Coffee Creek.

3. The following exhibits to this petition are hereby incorporated by reference:

- a. Exhibit A Mark-up version of the rule showing the proposed changes
- b. Exhibit B: Governor Approval
- c. Exhibit C: Legislative Questionnaire
- d. Exhibit D: Financial Impact Statement

- e. Exhibit E: Economic Impact/Environmental Benefit Analysis
- f. Exhibit F: Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate
- g. Exhibit G: Proposed Minute Order

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and adopt the proposed amendments to Rule 2.

Respectfully Submitted,

By: 

Basil V. Hicks III  
Division of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118  
(501)682-0884  
basil.hicks@arkansas.gov