



DIVISION OF ENVIRONMENTAL QUALITY

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Notice of Proposed Rule Changes, Public Hearing, and Comment Period

The Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has proposed amendments to Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 2, “Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas” pursuant to Arkansas Code Annotated §§ 8-1-203 and 8-4-202. Oral and written comments by stakeholders and the public will be received and made a part of the record during the public comment period.

Pursuant to Ark. Code Ann. § 8-4-202 and APC&EC Rule 8, DEQ by this notice solicits comments of any interested party. Interested parties may submit comments to the proposed rule amendments by submitting comments in writing on or before the end of the public comment period, which is January 21, 2025. All comments should be sent to Melissa Gober at the address below.

Full and complete copies of the proposed changes to Rule 2 are available for inspection and review after making an appointment during regular business hours at the Department of Energy and Environment headquarters building, 5301 Northshore Drive, North Little Rock, AR 72118. The proposed rule changes are also available at DEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

A public hearing will be held on January 6, 2025, beginning at 2:00 p.m., Central Time, to accept comments on the proposed amendments to Rule 2, “Rule Establishing Water Quality Standards for Surface Waters of the State of Arkansas.” The hearing will be held in the Commission Room at the Department of Energy and Environment headquarters building at 5301 Northshore Drive, North Little Rock, AR 72118. The public hearing may be viewed via live broadcast on the E&E YouTube channel at <https://www.youtube.com/@arkansasdepartmentofenergy6731>. If the hearing is postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date.

Oral and written comments regarding the rule amendments will be accepted at the hearing,

but written comments are preferred in the interest of accuracy. In addition, written comments will be considered if received no later than 4:30 p.m., Central Time, January 21, 2025. Written comments may be submitted by regular mail, commercial delivery company, or by email. Comments submitted by regular mail or commercial delivery company should be delivered or mailed to: Melissa Gober, Department of Energy and Environment, 5301 Northshore Drive, North Little Rock, AR 72118. Submit email comments on the proposed rule amendments to: EE.comment@arkansas.gov.

Proposed revisions to Rule 2 are 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.

A complete listing of the proposed changes to Rule 2 can be found on the Draft Regulations page of the DEQ’s website: https://www.adeq.state.ar.us/regs/draft_regs.aspx under APC&EC Docket No. 24-005-R.

The deadline for submitting written comments on the proposed rule revisions is 4:30 p.m., Central Time, January 21, 2025.

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Bailey Taylor
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Department of Energy and Environment

