

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 6, REGULATIONS FOR STATE)
ADMINISTRATION OF THE NATIONAL POLLUTANT) DOCKET NO. 03-004-R
DISCHARGE ELIMINATION SYSTEM (NPDES))

PETITION TO INITIATE RULEMAKING FOR REGULATION NO. 6, REGULATIONS
FOR STATE ADMINISTRATION OF THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES)

The Arkansas Department of Environmental Quality (hereinafter “ADEQ”), for
its Petition to Initiate Rulemaking to Amend Regulation No. 6, states:

1. This rulemaking is being proposed primarily to revise the domestic wastewater effluent limitations for phosphorus in specifically identified waters and watersheds, including the Illinois River Basin, the Osage Creek Basin, the Little Sugar Creek Basin, and the Spavinaw Creek Basin. During discussions with the States of Oklahoma and Missouri, USEPA, and other stakeholders, these areas have been identified as areas of potential concern regarding phosphorus nutrient levels. This rulemaking is being proposed primarily to address these concerns, taking into consideration the unique characteristics and challenges which face affected cities and stakeholders, and by providing the affected cities a reasonable timeframe (until 2012) in which to comply with new phosphorus limits.
2. Other housekeeping changes proposed by the Department include:
 - (A) Revision of the regulation throughout to conform to the Commission’s regulation drafting guidelines;
 - (C) Clarification of typographical errors; and

(D) Clarification of application requirements for construction and operation of wastewater facilities.

3. Jennifer Tucker, attorney for ADEQ, and/or Martin Maner, Chief of the Department's Water Division, will be available to answer questions concerning this proposed rulemaking. A version of the regulation showing the proposed changes is attached as Exhibit "A" and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit "B", and a copy of a financial impact statement for the proposed revision is attached as Exhibit "C", both of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit "D" and is hereby incorporated by reference.

WHEREFORE, the ADEQ requests that the Commission adopt the proposed Minute Order, and initiate the rulemaking on Regulation No. 6.

Respectfully submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
P.O. Box 8913
Little Rock, Arkansas 72219-8913
(501) 682-0744

By: _____
Jennifer H. Tucker
Attorney for ADEQ