

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. 06-___-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” or “Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 6, states:

1. The proposed regulatory amendments to Regulation Number 6 involve the following:
 - (A) Adding the definition of the term “operator” in section 6.103(B) of this regulation;
 - (B) Clarification that this Commission has promulgated Minute Order 80-21 in 1980 that specified “Recommended Standards for Sewage Works” in addition to the “Recommended Standards for Wastewater Facilities” (also referred to as “10 State Standards”) in section 6.202(B) of this regulation; and
 - (C) Clarification that only CAFO operations with actual discharges, not potential discharges, have an obligation to apply for a NPDES permit through this agency in section 6.501.
2. The amendments to this regulation will have no financial impact on small businesses.

3. Dan Etzkorn, 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 the Legislative Financial Impact Statement for the proposed revision is attached as Exhibit "C", and a copy of the Economic Impact Statement is attached as Exhibit "D", all of which are hereby incorporated by reference. A proposed minute order is attached as Exhibit "E" 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,

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