

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF AMENDMENTS TO)	
REGULATION NO. 6, REGULATIONS FOR STATE)	
ADMINISTRATION OF THE NATIONAL)	DOCKET NO. 10-____-R
POLLUTANT DISCHARGE ELIMINATION)	
SYSTEM (NPDES))	

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 6

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to Amend Regulation No. 6, Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES), states:

1. This proposed rule will create a permit-by-rule to authorize construction for individual treatment facilities generating less than 1000 gallons of domestic waste per day. The rule sets forth three requirements that are necessary for coverage under the rule.
2. Ark. Code Ann. §8-4-217(b)(1)(A) states, “It shall be unlawful for any person to engage in any of the following acts without having first obtained a written permit from the department:
 - (A) To construct...any disposal system or any part thereof, or any extension or addition thereto, that will discharge into any waters of this state....”
3. The permit-by-rule will authorize construction of previously approved systems under certain conditions, rather than through the permit process for individual construction permits, which requires opportunity for full public participation, including public notice and a thirty day comment period. This rulemaking does not affect the requirement to obtain a general permit from ADEQ for the operation of the system.

4. The proposed rule reads as follows:

Reg.6.203 Permitting Requirements for Construction of Individual Treatment Facilities of Domestic Waste

Individual Treatment Facilities Generating less than 1000 gallons per day of domestic waste shall be deemed to have a permit by rule for construction for the purposes of the Arkansas Water and Air Pollution Control Act, if all the following conditions are met:

- (1) The treatment system design is approved by the Department;
- (2) The treatment system is approved by the Arkansas Department of Health; and
- (3) At least 10 days written notice is provided to the Department prior to commencing construction which shall include a copy of the approval of the treatment system from the Arkansas Department of Health.

Each individual treatment unit shall be designed or equipped so that effluent discharged by the system will be in compliance with effluent limitations 10 mg/l of BOD5 and 15 mg/l TSS regardless of unusual patterns or frequencies of wastewater flow into the system.

The Department will maintain a list of evaluated and approved treatment system designs. Permit coverage for construction of individual treatment units under this section does not guarantee coverage for discharge and operation under an NPDES Permit.

5. Jamie Ewing and Steve Drown from ADEQ will be available to answer questions concerning this proposed rulemaking. A red-lined 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 Financial Impact Statement for the proposed revision is attached as Exhibit "C", both of which are incorporated by reference. A copy of a memo explaining the exemption of this rule from the regulatory flexibility analysis pursuant to Act 143 of 2007 is attached hereto at Exhibit "D" and is hereby incorporated by reference. At the time of filing this petition, the AEDC has not responded to the submittal of this statement. Any correspondence received from the AEDC will be forward to the Commission. A copy of the

Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit “E” and is hereby incorporated by reference. A proposed minute order is attached as Exhibit “F” and is hereby incorporated by reference.

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

Respectfully Submitted,

By: 
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