

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. 10-003-R  
POLLUTANT DISCHARGE ELIMINATION )  
SYSTEM (NPDES) )

PETITION TO WITHDRAW RULEMAKING TO AMEND REGULATION NO. 6  
AND CLOSE RULEMAKING DOCKET

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

1. On March 26, 2010, the Arkansas Pollution Control and Ecology Commission (hereinafter “APCEC” or “the Commission”) adopted Minute Order 10-07, which initiated rulemaking to amend APCEC Regulation No. 6.
2. This proposed rule would have created a permit-by-rule to authorize construction for individual treatment facilities generating less than one thousand gallons (1,000 gals.) of domestic waste per day. The rule set forth three (3) requirements that were necessary for coverage under the rule.
3. The permit-by-rule would have authorized 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 did not affect the requirement to obtain a general permit from ADEQ for the operation of the system.

4. The proposed rule read 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. The Commission held two public hearings on the proposed rule change. One meeting was held on May 18, 2010, in Springdale, Arkansas, and the other was held on May 19, 2010, at the ADEQ headquarters in Little Rock, Arkansas. The public comment period ended on June 3, 2010.
6. After review of the written and oral comments, ADEQ decided to convene a stakeholder meeting to address the concerns expressed by the commenters.
7. As a result of the stakeholder meeting, the Department decided to modify NPDES Permit No. ARG550000 to authorize the construction, installation, and discharge from

individual treatment facilities that generate only domestic waste.

8. The modification combined the construction and operation permits for these systems, which addressed the efficiency concerns that were the impetus for the proposed amendment to Regulation No. 6.

9. The modification also addressed several operational and management issues associated with the individual treatment facilities. For example, the following changes were added to Permit No. ARG550000:

- a. The permittee must provide a licensed Class II wastewater operator that is qualified to carryout operation, maintenance, and testing necessary to ensure compliance.
- b. The Class II wastewater operator must inspect the system at least four (4) times per year.
- c. Effluent samples must be collected at least once every six (6) months.
- d. When ADEQ receives a completed Notice of Intent (hereinafter "NOI") to be covered under the general permit, the NOI will be posted on the ADEQ website for five (5) days for public notice and comment. ADEQ will review all the comments received during that five-day period and may require revisions to the NOI or that the operator apply for an individual permit.

10. Therefore, as Permit No. ARG550000 has been modified and the modifications have become final permit conditions, ADEQ has determined that the previously proposed amendments to Regulation No. 6 are not necessary.

11. ADEQ respectfully requests that the Commission adopt the attached proposed Minute Order ("Exhibit A"), which would withdraw the proposed rule change and close

the rulemaking docket.

WHEREFORE, ADEQ requests that the Commission approve this request to withdraw the proposed rule change and adopt the proposed Minute Order, which will close Docket No. 10-003-R.

Respectfully Submitted,

By:   
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