

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

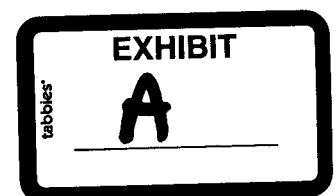
IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 6, REGULATIONS FOR THE STATE) DOCKET NO. 11-005-R
ADMINISTRATION OF THE NATIONAL POLLUTANT)
DISCHARGE ELIMINATION SYSTEM (NPDES))

STATEMENT OF BASIS AND PURPOSE FOR
ADOPTION OF AMENDMENTS TO REGULATION NO. 6

The Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC” or “the Commission”) is given the power and responsibility to promulgate rules and regulations. Pursuant to Ark. Code Ann. § 8-1-203(b)(1), the Commission is granted the power and responsibility to promulgate rules and regulations implementing the substantive statutes which are administered by the Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”).

In addition to minor formatting changes, there are three substantive changes to the rule. First, Chapter 5 of the regulation has been removed. This Chapter previously addressed permitting requirements for concentrated animal feeding operations (hereinafter “CAFOs”) that utilized dry litter systems. In 2008, the U.S. Environmental Protection Agency (hereinafter “EPA”) finalized federal regulations governing National Pollutant Discharge Elimination System (hereinafter “NPDES”) permits for CAFOs. 40 C.F.R. § 122.23. The proposed change will delete this separate chapter for those facilities and incorporate the federal regulations in the list of referenced federal regulations found in Reg. 6.104(A). This change is necessary to incorporate current federal regulations into our NPDES regulation and to avoid confusion regarding permitting of concentrated animal feeding operations.

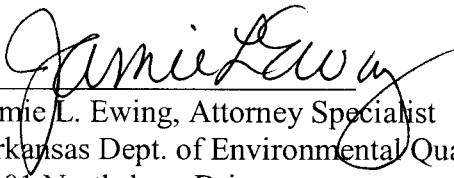
Second, the rule will add Reg. 6.203 which creates a permit by rule for stormwater discharges from small construction sites. These sites are smaller than five (5) acres. This



provision was previously included in the Construction Stormwater general permit issued by ADEQ. However, this change is necessary because ADEQ believes that a permit by rule is more properly located within a regulation. The requirements for small construction sites are unchanged.

Third, the rule will add Reg. 6.205 which governs the financial assurance permitting requirements for non-municipal sewage treatment works. This new provision is copied directly from the financial assurance requirements found in the Arkansas Water and Air Pollution Control Act, § 8-4-203(b)(1)(B). The General Assembly passed these provisions in 2007. This change is necessary to ensure the continued operations of these treatments systems in order to prevent discharge of untreated wastewater.

Respectfully submitted,


Jamie L. Ewing, Attorney Specialist
Arkansas Dept. of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118