

NOTICE OF PROPOSED REGULATION CHANGES, PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at North Little Rock September 23, 2013, to receive public comments on proposed changes to APC&EC Regulation 6 (Regulations for State Administration of the National Pollutant Discharge Elimination System [NPDES]). The deadline for submitting written comments on the proposals is 4:30 p.m. October 7, 2013.

The hearing will be held in the Commission Room of the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock, beginning at 2:00 p.m.

In the event of inclement weather or other unforeseen circumstances, a decision may be made to postpone the hearings. If the hearings are postponed and rescheduled, a new legal notice will be published to announce the details of the new hearing date and comment period.

APC&EC authority to revise Regulations 6 is found in the Arkansas Code Annotated, Section 8-4-101, et seq. In addition, the changes to Regulation 6 are being proposed in order to conform to provisions in Act 954 of the 2013 Arkansas General Assembly.

Proposed significant changes to Regulation 6 include:

- Addition of a new definition for “average flow.”
- Addition of a new section dealing with financial assurance requirements for NPDES permits, including language that exempts commercial non-municipal wastewater treatment systems which do not provide residential service from the financial assurance provisions.
- Addition of new language involving permit renewals, relating to previous compliance records and financial solvency of permit holders.
- Addition of new language which requires the ADEQ to certify within 30 days of receiving a new permit application whether the proposed receiving stream for the permit discharge is an existing or potential public drinking water supply source.
- Establishment of new requirements that minimum effluent limits will comply with provisions in Act 954 and will be based on receiving stream average flows, or flows of four cubic feet per second, whichever is greater.
- Establishment of a new requirement that any pending permit or order not in compliance with Act 954 upon its effective date will be stayed or waived, upon application to the APC&EC until the permit or order complies with Act 954.

In addition, proposed revisions include format, style and typographical error changes in various locations of the regulation.

Copies of the proposed changes to Regulations 6 are available for public inspection during normal business hours at the Public Outreach and Assistance (POA) Division in the ADEQ’s headquarters building in North Little Rock, and in ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Little Rock, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway; and in the Arkansas State Library, 900 W. Capitol, Suite 100, Little Rock. In addition, a copy of the draft regulation showing the proposed changes, along with related support documents, is available for viewing or downloading on the draft regulations page of the ADEQ’s Internet web site at www.adeq.state.ar.us.

Oral and written statements will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written and electronic mail comments will be accepted if received no later than 4:30 p.m. October 7, 2013. Written comments should be mailed to Doug Szenher, POA Division, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to: reg-comment@adeq.state.ar.us.

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Teresa Marks, Director,
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