

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF PROMULGATION OF)
REGULATION NO. 6, REGULATIONS FOR THE STATE) DOCKET NO. 13-____-R
ADMINISTRATION OF THE NATIONAL POLLUTANT)
DISCHARGE ELIMINATION SYSTEM (NPDES))

PETITION TO INITIATE RULEMAKING TO AMEND REGULATION NO. 6


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

1. Act 954 of 2013 was passed the Arkansas General Assembly to address, *inter alia*, the implementation of water quality standards and criteria for minerals, including without limitation total dissolved solids, chlorides, and sulfates.
2. As APC&EC Regulation No. 6 is the regulation governing the development and issuance of NPDES permits by ADEQ, this regulation should be amended to incorporate and fully implement the provisions of Act 954.
3. Likewise, Act 402 of 2013 updated the financial assurance requirements for nonmunicipal domestic sewage treatment works and APC&EC Regulation No. 6 should be updated to incorporate those changes.
4. As the proposed changes to the regulation incorporates the language of Arkansas state statutes without substantive change, this proposed rule is exempt from the economic impact and environmental benefit analysis required by APC&EC Reg. 8.812 and the small business impact analysis required by Act 143 of 2007.
5. Loriele Gutting and Ryan Benefield 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 and Financial Impact Statement is attached as Exhibit "B" and incorporated by reference. A proposed minute order is attached as Exhibit "C" and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process and adopt the proposed Minute Order.

Respectfully Submitted,

By: 
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