

Robinson, Kelly

From: Miller-Rice, Rebecca <miller-ricer@blr.arkansas.gov>
Sent: Friday, September 16, 2016 9:50 AM
To: Osborne, Caleb
Subject: ADEQ - APC&EC Reg. No. 6: Regs. for State Admin. of the NPDES

Good morning –

I've finished reviewing the proposed changes to the above-referenced rule and had just a few questions.

- (1) Reg.6.103 – Definition of “Indirect Discharge”: The definition refers to sections “of the Act.” It appears, from looking at 40 C.F.R. § 404.3(i), that the reference is to the Clean Water Act? I only ask because in these same revisions, the definition for the term “Act” is being removed, and Reg. No. 6 makes reference to both the Arkansas Water and Air Pollution Control Act and the federal Clean Water Act.
- (2) Reg.6.103 – Definition of “Ten States Standards”: The definition references the latest edition of the “Recommended Standards for Sewage Works or Water Works published by the Great Lakes Upper Mississippi Board of State Sanitary Engineers.” I had trouble trying to locate these standards. Are these the standards currently entitled the “Recommended Standards for Wastewater Facilities”? Also, is the publisher the “Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers”?
- (3) Reg.6.205 – In subsection (B), should the statutory reference be to the “requirement of Ark. Code Ann. § 8-4-203(b)(1)(A),” rather than (b)(1)(C)? It appears that the requirement is set out in subsection (b)(1)(A) and the exemptions in (b)(1)(C)?
- (4) Reg.6.205 – What was the basis for the deletion of subsection (P)? Was subsection (P) deleted because of Ark. Code Ann. § 8-4-203(b)(2)'s “[u]ntil January 1, 2016” language?
- (5) Reg.6.205 – What was the basis for the deletion of subsection (Q)? It appears that while Act 575 of 2015 did strike the language “in order to protect human health or the environment,” Ark. Code Ann. § 8-4-203(b)(3) was amended in the Act and now permits the Department to withdraw a reduction or waiver granted “at any time if the permittee has a permit violation in three (3) or more consecutive discharge monitoring periods”?
- (6) Reg.6.205—What was the basis for the deletion of subsection (R)? It appears from Act 575 of 2015 that the statutory language was not deleted in its entirety, but was relocated to subsection (b)(8) of Ark. Code Ann. § 8-4-203?

Thanks for any help that you can provide!

Rebecca

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