

APC&EC REGULATION NO. 6
REGULATIONS FOR STATE ADMINISTRATION OF THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
Proposed Amendments – Executive Summary
August 26, 2016

The Arkansas Department of Environmental Quality (ADEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission (APC&EC) to Regulation No. 6 to adopt federal revisions to the National Pollutant Discharge Elimination System (NPDES) program, incorporate statutory revisions made by the Arkansas General Assembly, clarify several provisions, and make stylistic and formatting corrections throughout the Regulation. Regulation 6 establishes the parameters for the State water pollution control permitting program in lieu of the federal NPDES program and pursuant to the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* The state legislative acts prompting the regulatory amendments are Acts 94 and 575 of 2015. The federal regulatory changes prompting the amendments are 40 C.F.R. §§ 122.21(e)(3), 122.44(i)(1)(iv), 136.1(c), 125(I) and (J), 423, 122, 123, 127, and 401.17. The Commission's authority for amending Regulation 6 is found in Ark. Code Ann. §§ 8-6-207(b)(1), 8-4-202(a), and 8-1-203(b)(1)(A).

Proposed changes to Regulation 6 include:

- **Incorporation of Updates to Federal Regulations.** Amendments to Reg.6.104 to incorporate changes made to federal regulations;
- **Incorporation of Updates to Arkansas Law.** Acts 94 and 575 of 2015 were enacted by the Arkansas General Assembly and require revisions to Reg.6.205 concerning Trust Fund permitting requirements;
- **Amendments to Provide Clarification and Minor Corrections.** Clarification of sections of the regulation that were otherwise unclear, and minor corrections to make the regulation more illustrative of the legislative and regulatory intent;

- **Regulatory Amendments for Consistency with Statutory Changes.** To amend other Chapters of the Regulation for consistency with the statutory changes made by the General Assembly and federal regulations, primarily concerning terminology and program name changes; and
- **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.