

APC&EC REGULATION No. 6
REGULATIONS FOR STATE ADMINISTRATION OF THE NATIONAL
POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
Proposed Amendments – Executive Summary (Amended)
July 26, 2019

The Arkansas Division of Environmental Quality (ADEQ) proposes this rulemaking before the Arkansas Pollution Control and Ecology Commission 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, implement the Governor's directive to make the current moratorium on confined animal operations in the Buffalo National River Watershed permanent, and make stylistic and formatting corrections throughout the Regulation. Regulation No. 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 and 315 and 910 of 2019. 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 No. 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 No. 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; Acts 315 and 910 of 2019 were enacted by the Arkansas General Assembly and require revisions to Regulation No. 6 concerning the name of ADEQ and the use of Rule in lieu of Regulation;

- **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;

- Amendments to Chapter 4. To add 6.403 and 6.404 to insert permitting language from Reg. 2;

- **Amendments to Reg. 6.602.** To amend the current Reg. 6.602 to make permanent the moratorium on confined animal operations of a certain size in the Buffalo National River Watershed.

- **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;

- **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the Regulation.