

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN THE MATTER OF APC&EC)	
REGULATION 6: REGULATIONS FOR)	DOCKET NO. 24-003-R
STATE ADMINISTRATION OF THE)	
NATIONAL POLLUTANT DISCHARGE)	
ELIMINATION SYSTEM (NPDES))	

STATEMENT OF BASIS AND PURPOSE
OF THE DIVISION OF ENVIRONMENTAL QUALITY

The Arkansas Pollution Control and Ecology Commission is vested with general authority to make and amend rules in Ark. Code Ann. § 8-01-203(b)(1)(A) and is vested with specific authority to amend this rule in Ark. Code Ann. Sec. 8-4-202(a) and (b).

DEQ initiated this rulemaking to Regulation 6 before the Arkansas Pollution Control and Ecology Commission to adopt federal revisions to the NPDES program, incorporate statutory revisions made by the Arkansas General Assembly, and make corrections and stylistic and formatting updates 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, Acts 987 and 1037 of 2017, 315 and 910 of 2019, Act 441 of 2021, and Act 46 of 2023. 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 amendments to Rule 6 include:

- **Incorporation of Updates to Federal Regulations.** Amendments to Regulation 6.104 to incorporate changes made to federal regulations;


EXHIBIT A

- **Incorporation of Updates to Arkansas Law.** Acts 94 and 575 of 2015, Acts 987 and 1037 of 2017, 315 and 910 of 2019, Act 441 of 2021, and Act 46 of 2023, were enacted by the Arkansas General Assembly and require revisions to Regulation 6;
- **Amendments to Provide Clarification and Minor Corrections.** Corrections to the rule, including adding necessary definitions and corrections to be consistent with other state rules;
- **Amendments to Chapter 6.** To amend Chapter 6 to be consistent with the Department of Agriculture's rule for Liquid Animal Waste Management Systems.
- **Stylistic and Formatting Corrections.** To make minor, non-substantive stylistic and formatting corrections throughout the regulation.

The amendments to Regulation 6 contain no technical standards that must be addressed pursuant to Rule 8.815(A)(1)(ii). These rules are necessary to serve the public interest and ensure compliance with state and federal law.

Respectfully Submitted,

By: _____


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