1. What is the short title of this rule?

Arkansas Pollution Control and Ecology Commission, Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas

2. What is the subject of the proposed rule?

Modification of the mineral water quality standards of the Arkansas Water Quality Standards, as described more fully below, for an Unnamed Tributary to the Poteau River and for the Poteau River from its confluence with the Unnamed Tributary to the state line.

3. Is this rule required to comply with federal statute or regulations?

Yes ____ No __X__

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes ____ No __X__

If yes, what is the effective date of the emergency rule? N/A
When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes _____ No __X__

Is this a new Rule? Yes _____ No __X__

If yes, please provide a brief summary explaining the regulation

Does this repeal an existing rule:

Yes _____ No __X__

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

5. Is this an amendment to an existing rule?

Yes __X__ No _____

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substance changes.

See Attachments A (blackline of the affected pages of APCEC Regulation No. 2 and B (executive summary).

6. Cite the state law that grants the authority for this proposed rule. If codified, please give the Arkansas Code citation.

Act 472 of 1949, as amended, ARK. CODE ANN. §8-4-101, et seq.

7. What is the purpose of the rule? Why is it necessary?

The purpose of the proposed rule is to amend APCEC Regulation No. 2 to modify the chloride, sulfate and total dissolved solids (TDS) water quality standards as follows:

a. Modify the dissolved minerals water quality standards for the Unnamed Tributary from the Point of Discharge of Tyson-Waldron downstream to the point of discharge of the City of Waldron WWTP chlorides from 150 mg/l to 80 mg/l
sulfates from 70 mg/l to 121 mg/l  
TDS from 660 mg/l to 411 mg/l

b. Modify the dissolved minerals water quality standards for the Unnamed Tributary from the Point of Discharge of the City of Waldron wastewater treatment plant to the Confluence with the Poteau River

chlorides from 150 mg/l to 106 mg/l  
sulfates from 70 mg/l to 117 mg/l  
TDS from 660 mg/l to 514 mg/l

c. Modify the dissolved minerals water quality standards for the Poteau River from the Confluence with the Unnamed Tributary (near Business Hwy 71) to the state line.

chlorides from 150 mg/l to 106 mg/l  
sulfates from 70 mg/l to 117 mg/l  
TDS from 660 mg/l to 514 mg/l

The rule is necessary to modify the dissolved mineral standards for the above listed stream segments to levels that reflect current and historic water quality conditions and which are appropriate for Tyson Foods, Inc. – Waldron Plant’s operations and are protective of the designated uses. The water quality standard modifications will not adversely affect the aquatic life communities or the existing fisheries. There are no economically feasible treatment technologies capable of reducing the dissolved mineral concentration to levels of the current standards in the affected streams.

8. Will a public hearing be held on this proposed rule?

Yes ___X___ No _____

If yes, please complete the following:

Date: during July 2013, sometime after July 11
Time: to be determined by ADEQ
Place: Scott County, Arkansas at a location to be determined by ADEQ

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

The period for receiving all written comments by the public shall conclude ten (10) business days after the date of the public hearing pursuant to Arkansas
Pollution Control and Ecology Commission Regulation No. 8, Section 8.806(C), unless an extension of time is granted.

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

The regulation becomes effective ten days after filing of the final regulation as adopted by the Commission with the Secretary of State, the State Library and the Bureau of Legislative Research.

11. Do you expect the rule to be controversial?

Yes _____ No ____X____

If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide the position (for or against) if known.

For or Neutral:

Arkansas Department of Environmental Quality
Arkansas Department of Health
Arkansas Natural Resources Conservation Commission
Region VI, US Environmental Protection Agency
Arkansas Game and Fish Commission

Against:

unknown