BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

IN RE: REQUEST BY CITY OF FAYETTEVILLE
PAUL R. NOLAND WASTEWATER
TREATMENT PLANT
TO INITIATE RULEMAKING TO
AMEND REGULATION NO. 2

DOCKET NO. 13-010-R

CITY OF FAYETTEVILLE PAUL R. NOLAND
WASTEWATER TREATMENT PLANT’S MOTION FOR THE
ADOPTION OF PROPOSED AMENDMENTS TO REGULATION NO. 2

The City of Fayetteville Paul R. Noland Wastewater Treatment Plant (“City of Fayetteville”), in support of its Motion for the Adoption of Proposed Changes to the Arkansas Pollution Control and Ecology Commission’s (“APCEC” or “the Commission”) Regulation No. 2 to amend the chloride, sulfate of total dissolved solids (“TDS”) water quality criteria for the portion of the White River from the Noland Wastewater Treatment Plant to ADEQ monitoring station WH10052 submits the following:

1. By Minute Order 17-04, dated January 27, 2017, the Commission granted the City of Fayetteville’s Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.

2. Public notice of the rulemaking was published in the Arkansas Democrat-Gazette on January 31 and February 1, 2017. On March 27, 2017 a public hearing was held at 6:00 p.m. at the Walker Community Room of the Fayetteville Public Library, 401 W. Mountain Street, Fayetteville, Arkansas. The deadline for submitting written public comments was April 10, 2017. In compliance with Minute Order 17-04, the City of Fayetteville filed its Statement of
Basis and Purpose and its Response to Comments April 28, 2017. See Exhibit A attached hereto.

On June 5, 2017 ADEQ filed its Responsive Summary. See Exhibit B attached hereto.

3. Attached hereto as Exhibit C are the final proposed amendments to APCEC Regulation No. 2.

4. On July 10, 2017, the City of Fayetteville’s proposed amendments to APCEC Regulation No. 2 were reviewed by the Joint Senate and House committee on Public Health, Welfare, and Labor. On August 15, 2017, the proposed amendments will be reviewed by the Administrative Rules and Regulation Subcommittee of the Arkansas Legislative Council, and on August 18, 2017, the matter will be before that Arkansas Legislative Council for approval. The City of Fayetteville believes that this matter will pass the Administrative Rules and Regulations Subcommittee and receive approval from the Arkansas Legislative Council. If this does not occur, the City of Fayetteville will withdraw this Motion for Adoption. See Regulations Tracking Sheet attached hereto as Exhibit D.

5. On January 4, 2017, the City of Fayetteville was notified that its proposed amendments had been approved by the Office of the Governor. See Exhibit C attached to the City of Fayetteville’s Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.

6. Attached hereto as Exhibit E is the proposed Minute Order adopting the amendments to APCEC Regulation No. 2 requested by the City of Fayetteville in its Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2.

WHEREFORE, the City of Fayetteville respectfully asks this Commission to adopt the amendments to APCEC Regulation No. 2 set forth in Exhibit C attached hereto.
Respectfully submitted,

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Wastewater Treatment Plant

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 2017, I served a copy of the foregoing Motion for the Adoption of Proposed Amendments to Regulation No. 2 on the following by electronic service:

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Marcella J. Taylor