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Unresolved Reg 2 Issues and Triennial Review Preview: Raymond E. Wieda, PE (FTN Associates) Arkansas Environmental Federation Water Seminar Presentation

04/27/2018

Mr. Raymond E. Wieda, undertook a presentation at the 2018 Arkansas Environmental Federation Water Seminar titled:

Unresolved Reg 2 Issues and Triennial Review Preview (“Presentation”)

Mr. Wieda is a Professional Engineer with FTN Associates.

Mr. Wieda noted by way of introduction that triennial reviews are required by Section 303 of the Clean Water Act. Further the review encompasses state water quality standards which must be reviewed every three years. Arkansas’s water quality standards are found in Arkansas Pollution Control and Ecology (“APCE”) Commission Regulation No. 2. Arkansas’s last triennial review was stated to be in 2004 and the 2017 process is in progress.

The Presentation outlined the triennial review process, which includes:

- Arkansas Department of Environmental Quality (“ADEQ”) proposes changes to Regulation No. 2
- Reviewed by Governor’s Office and APCE Commission
- Public notice and comment period
- Legislative Approval
- Adopted by APCE Commission
- Changes submitted to the United States Environmental Protection Agency (“EPA”) for review
- EPA approves, disapproves or takes no action
- Only approved changes take effect for Clean Water Act purposes

Mr. Wieda discussed 2.104 Policy for Compliance, referencing issues associated with permittee compliance. He addressed 2.511(A,) Site Specific Mineral Quality Criteria, noting the current Regulation No. 2 provisions and what EPA has approved. As to 2.511(A), Site Specific Mineral Quality Criteria, he notes:

- Contradicts EPA Approved 2016 and Draft 2018 Assessment Methodology
- 10% versus 25% allowable non-attainment

This is stated to potentially affect:

- 303(d) listings
- Total Maximum Daily Loadings
- Permit limits

Further referenced is 2.511(B) Ecoregion Reference Stream Minerals Values noting the regional breakdown and issues such as:

- Values versus Criteria
- Contradicts EPA Approved 2016 and Draft 2018 Assessment Methodology
- Ecoregion Values versus Secondary Drinking Water Standards (250/250/500)
- Potentially affects:
 - 303(d) listings
 - Total Maximum Daily Loadings
 - Permit Limits

[A copy of the slides can be downloaded here.](#)