

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))

**PETITION TO INITIATE RULEMAKING TO APPROVE
AMENDMENTS TO REGULATION 6: REGULATIONS FOR STATE
ADMINISTRATION OF THE NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES)**

Comes now, the Department of Energy and Environment, Division of Environmental Quality (“DEQ”), by and through, Bailey Taylor, Interim Director of the Division of Environmental Quality, and for its Petition to Initiate Rulemaking to Approve Amendments to Regulation 6: “Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES),” states:

1. DEQ proposes this rulemaking to approve the amendments to Regulation 6, “Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES).” The rule amendments authorized generally in Ark. Code Ann. §§ 8-4-202(a) and 8-1-203(b)(1)(A), which allow the Arkansas Pollution Control and Ecology Commission (APC&EC) to promulgate and modify rules implementing the substantive statutes that DEQ administers and enforces.

2. DEQ proposes to initiate this rulemaking to promulgate the Regulation 6 amendments, which will update the following provisions of the rule:

- a. Amendments to incorporate changes to federal regulations, specifically:

- (1) Reg. 6.104(A)(3) to reflect changes to 40 C.F.R. §§ 122.21(e)(3), 122.44(i)(1)(iv) regarding sufficiently sensitive test methods;
 - (2) Reg. 6.104(A)(7) to include 40 C.F.R. Part 127 regarding electronic reporting;
 - (3) Reg. 6.104(A)(12) to remove the exception for 40 C.F.R. § 401.17 regarding continuous pH monitoring; and
 - (4) Reg. 6.104 to update the effective date of all referenced United States Environmental Protection Agency (EPA) regulations to January 1, 2024.
- b. Amendments to incorporate several Acts of the Arkansas General Assembly that require revisions to Regulation 6.205;
- c. Amendments to incorporate Acts 910 and 315 of 2019 changing the name of the Arkansas Department of Environmental Quality to Division of Environmental Quality and references of ‘regulation’ to ‘rule;’
- d. Amendments to provide clarification to sections of the regulation and minor corrections to make the regulation more illustrative of the regulatory intent:
- (1) Add certain definitions under Reg. 6.103 and eliminate terms already defined in other rules;
 - (2) Clarify Reg. 6.204 by changing terminology to “Pretreatment Requirements” instead of “Permitting Requirements;”
 - (3) Correct Reg. 6.207 to remove references to “general permit;”
 - (4) Rename Chapter 6 “Specific Basin and Watershed Requirements;” and
- e. Amendments throughout the regulation for consistency with the statutory changes made by the General Assembly and regulatory

changes made by EPA, primarily concerning terminology and program name changes;

- f. Amendments to make the watershed specific regulations for the Buffalo National River Watershed consistent with the rules proposed by the Arkansas Department of Agriculture for Liquid Animal Waste Management Systems; and
- g. Minor, non-substantive stylistic and formatting corrections throughout the regulation.

3. The proposed changes will make the regulation consistent with the amended provisions of 40 C.F.R. §§ 122.21(e)(3), 122.44(i)(1)(iv), 125(I) and (J), 136.1(c), 401.17, and Parts 122, 123, and 127. The proposed changes will also make the regulation consistent with the amended provisions of Ark. Code Ann. § 8-4-203. The proposed changes are required to implement Acts 94 and 575 of 2015 and Acts 315 and 910 of 2019 of the General Assembly.

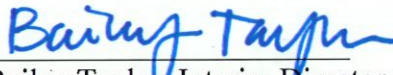
4. Bailey Taylor, Interim Director of the Division of Environmental Quality, will be available to answer questions concerning this proposed rulemaking.

5. The following exhibits to this petition are hereby incorporated by reference:

- a. Exhibit A: Mark-up version of the proposed new rule;
- b. Exhibit B: Governor Approval;
- c. Exhibit C: Legislative Questionnaire, with attachment;
- d. Exhibit D: Financial Impact Statement;
- e. Exhibit E: Economic Impact/Environmental Benefit Analysis; and
- f. Exhibit F: Proposed Minute Order.

WHEREFORE, DEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and initiate rulemaking to promulgate the proposed amendments to Regulation 6, "Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)."

Respectfully Submitted,

By: 
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