Reg. 2 Revisions since Stakeholder Meeting #1

Reg. 2.104 Policy for Compliance

Revision: It shall be the policy of the Arkansas Department of Environmental Quality (hereinafter "Department") to provide, on a case-by-case basis, a reasonable time for an existing permittee to comply with new or revised water quality based effluent limits. Consequently, compliance schedules may be included in National Pollutant Discharge Elimination System (NPDES) permits at the time of renewal or permit modification initiated by the Department to require compliance with new water quality standards. Compliance must occur at the earliest practicable time, in accordance with 40 C.F.R. §122.47~~but not to exceed three years from effective date of permit, unless the permittee is completing site-specific criteria development or is under a plan approved by the Department, in accordance with Regs. 2.306, 2.308, and the State of Arkansas Continuing Planning Process~~.

Justification: "CWA" was replaced with "40 C.F.R. §122.47". The 40 C.F.R. reference is more appropriate than "CWA".

Reg. 2.106 Definitions

Base Flow
Revision: ADEQ withdrew the proposed addition of "June 1 through October 31" language.

Justification: The addition of the date did not strengthen the definition.

Effluent
Revision: Added **Effluent:** Water that is not reused after flowing out of any wastewater treatment facility or other works used for the purpose of treating, stabilizing, or holding wastes.

Justification: "Effluent" is used multiple times in Reg. 2 without being defined. This definition comes from Reg. 6, the NPDES (permitting) regulation.

2.309 Temporary Variance

[See document "Reg. 2.309 Temporary Variance Proposed Revisions after Stakeholder Meeting #1"]

2.504 pH

Revision: pH between 6.0 and 9.0 standard units are the applicable ~~standards~~ criteria for rivers, streams, lakes, and reservoirs. ~~For lakes, the standards are applicable at 1.0 meter depth.~~

Justification: The original revision was to strike "streams" and insert "waterbodies," but "waterbodies" was too broad so instead we propose to insert "rivers, lakes, and reservoirs."

Reg. 2.507 Bacteria

Revision: For the purposes of this regulation, all streams with watersheds less than 10 mi^2 shall not be designated for primary contact unless and until site verification indicates that such use is attainable. Secondary contact use is assumed in all watersheds. No mixing zones are allowed for discharges of bacteria.

For assessment of ambient waters as impaired by bacteria, the below listed applicable values for *E. coli* and fecal coliform shall not be exceeded in more than 25% of individual samples in no less than eight (8) samples taken during the primary contact season or during the secondary contact season.

Justification: The sentence "Secondary contact use is assumed in all watersheds." was added to clarify secondary contact applicability.

The phrase "and fecal coliform" was added to clarify that the assessment requirements also applied to fecal coliform and not just E. coli.

Revision: Footnote 5

[5] ~~October 1 to April 30~~Year-round.

Justification: The original language proposal was to replace "October 1 to April 30" with "January 1 through December 31." "Year round" is less limiting.

Appendix A

Revision: Replace the existing "Variation Supported by UAA" list with tables.

Site Specific ~~Standards~~ Criteria Variations Supported by Use Attainability Analysis

~~Railroad Hollow Creek: from headwaters to Spavinaw Creek - year-round dissolved oxygen - 2 mg/L (OH-1, #1)~~
~~Curia Creek - below first waterfall, critical season dissolved oxygen 6 mg/L (OH-4, #3)~~
~~Moccasin Creek - below Highway 177, critical season D.O. 5mg/L (OH-3, #4)~~
~~SWEPCO Reservoir - maximum temperature 54°C (limitation of 2.8°C above natural temperature does not apply) (OH-1, #5)~~
~~Stennitt Creek - from Brushy Creek to Spring River, total dissolved solids = 456 mg/L (OH-4, #6)~~
~~Crooked Creek - from Harrison WWTP outfall to ADEQ Monitoring Station WHI0193; chloride 22.6 mg/L, sulfate 24.4 mg/L; TDS 269 mg/L (OH-2, #7) †~~
~~Crooked Creek - from ADEQ Monitoring Station WHI0193 to mouth: TDS 238 mg/L (OH-3, #8) †~~
~~White River - from Noland WWTP to 0.4 miles downstream (WR-02), chloride = 44 mg/L, sulfate = 79 mg/L, TDS = 362 mg/L (OH-1), #7) †~~
~~White River - from WR-02 to WHI0052, chloride = 30 mg/L, sulfate = 40 mg/L, TDS = 237 mg/L (OH-1, #8) †~~
~~Holman Creek - from the confluence with Town Branch downstream to the confluence with War Eagle Creek: chloride = 180 mg/L, sulfate = 48 mg/L, TDS = 621 mg/L (OH-1 #10) †~~
~~Town Branch - from point of discharge of the City of Huntsville WWTP Downstream to the confluence with Holman Creek: chloride = 223 mg/L, sulfate = 61 mg/L, TDS = 779 mg/L (OH-1, #9) †~~

Plate	Map Inset Number	Variation
OH-1	1	Railroad Hollow Creek: from headwaters to Spavinaw Creek - year-round dissolved oxygen - 2 mg/L
OH-1	5	SWEPCO Reservoir - maximum temperature 54°C (limitation of 2.8°C above natural temperature does not apply)
OH-1	7	White River – from Noland WWTP to 0.4 miles downstream (WR-02), chloride = 44 mg/L, sulfate = 79 mg/L, TDS = 362 mg/L
OH-1	8	White River – from WR-02 to WHI0052, chloride = 30 mg/L, sulfate = 40 mg/L, TDS = 237 mg/L
OH-1	9	Town Branch - from point of discharge of the City of Huntsville WWTP Downstream to the confluence with Holman Creek: chloride = 223 mg/L, sulfate = 61 mg/L, TDS = 779 mg/L†
OH-1	10	Holman Creek - from the confluence with Town Branch downstream to the confluence with War Eagle Creek: chloride = 180 mg/L, sulfate = 48 mg/L, TDS = 621 mg/L†
OH-2	7	Crooked Creek – from Harrison WWTP outfall to ADEQ Monitoring Station WHI0193; chloride 22.6 mg/L, sulfate 24.4 mg/L; TDS 269 mg/L
OH-3	4	Moccasin Creek - below Highway 177, critical season dissolved oxygen 5mg/L
OH-3	8	Crooked Creek – from ADEQ Monitoring Station WHI0193 to mouth: TDS 238 mg/L
OH-4	3	Curia Creek - below first waterfall, critical season dissolved oxygen 6 mg/L
OH-4	6	Stennitt Creek - from Brushy Creek to Spring River, TDS = 456 mg/L

Justification: Reformatting to table form is clearer and easier to find corresponding maps.

Coffee Creek

Revision: Coffee Creek - upstream of Georgia Pacific's Mossy Lake Treatment Unit (N33.058, W092.054) to (N33.094, W092.04) and the remaining upstream portion of the historic channel from N33.112, W092.013 to N33.119, W091.995 -seasonal aquatic life, no domestic water supply use (GC-3, #61)

Justification: Lat/longs had to be corrected.