

EXHIBIT H

DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER DIVISION

SUBJECT: Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters; Third Party Rulemaking

DESCRIPTION: This is a proposed change to the Water Quality Standards for Surface Waters for the state to modify the dissolved minerals criteria applicable to the Gulf Coast Ecoregion as follows:

- a. Modify the dissolved minerals criteria for the McGeorge Creek to confluence with Willow Springs Branch as follows:
 - Sulfate from 41.3 mg/L to 257mg/L
 - TDS from 138 mg/L to 432 mg/L
- b. Modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:
 - Sulfate from 41.3 mg/L to 112 mg/L
 - TDS from 138 mg/L to 247 mg/L
- c. Modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs ranch and Fourche Creek as follows:
 - Sulfate: No change
 - TDS from 138 mg/L to 179 mg/L

PUBLIC COMMENT: A public hearing was held December 14, 2009. The public comment period expired December 30, 2009. No public comments were submitted to the department. The proposed effective date is 10 days after filing the final rule, which is likely to be mid-June 2010.

CONTROVERSY: This is not expected to be controversial.

FINANCIAL IMPACT:

Financial Impact Statement

1. Explain the need for the proposed changes. The rule establishes water quality standards for surface waters in the state that are promulgated to protect the designated use of those surface waters. The rule will amend specific standards applicable to specified surface waters. The need for this rule change was not motivated by a complaint, but rather during the permit renewal of McGeorge Construction Company, Inc., a regulated entity whose wastewater discharge permit is impacted by the rule.

2. What are the top three benefits of the proposed rule? To modify the minerals criteria as follows:

- (1) a. Modify the dissolved minerals criteria for the McGeorge Creek to confluences with Willow Springs Branch as follows: Sulfate from 41.3 mg/l to 25 mg/l and TDS from 138 mg/L to 432 mg/L

b. Modify the dissolved minerals criteria for Willow Springs branch between confluences with McGeorge Creek and Little Fourche Creek as follows: Sulfate from 41/3 mg/L to 250 mg/L and TDS from 138 mg/L to 247 mg/L

c. Modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs ranch and Fourche Creek as follows: Sulfate: No change and TDS from 138 mg/L to 179 mg/L

(2) The rule is necessary to modify the dissolved mineral criteria for the above listed stream segments to levels that are appropriate and protective of the designated and existing uses. These water quality standards modifications will not adversely affect the aquatic life communities and existing fisheries.

(3) This rule is necessary to enable ADEQ to issue an NPDES Permit to McGeorge with permit limits for dissolved minerals that are appropriate to the McGeorge operations and protective of water quality.

3. What would be the consequence of taken no action, thereby maintaining the status quo? McGeorge would not be able to operate.

4. Describe market-based alternatives or voluntary standards that were considered in place of the proposed rule and state the reason for not selecting those alternatives. Market based alternatives and voluntary standards were not considered because the existing rule needs to be changed.

5. Estimate the cost to state government of collecting information, completing paperwork, filing, recordkeeping, auditing, and inspecting associated with this new rule. None.

6. What types of small businesses will be required to comply with the proposed rule? None.

7. Does the proposed rule create barriers to entry? If so, please describe those barriers and why those barriers are necessary. No.

8. Explain the additional requirements with which small business owners will have to comply and estimate costs associated with compliance. None.

9. State whether the proposed rule contains different requirements for different sized entities, and explain why this is or is not necessary. None.

10. Describe your understanding of the ability of small business owners to implement changes required by the proposed rule. No small business owners are impacted.

11. How does this rule compare to similar rules in other states or the federal government? This rule is unique to Arkansas.

12. Summarize the input your agency has received from small business or small business advocates about the proposed rule. None. There are no small businesses impacted.

LEGAL AUTHORIZATION: Ark. Code Ann. § 8-4-202(a) generally authorizes the Arkansas Pollution Control and Ecology Commission to "adopt, modify, or repeal, after notice and public hearings, rules and regulations implementing or effectuating the powers and duties of the Arkansas Department of Environmental Quality and the commission" under the Arkansas Water and Air Pollution Control Act. More specifically, Ark. Code Ann. § 8-4-202(b)(1) authorizes the commission to promulgate rules and regulations that prescribe "[e]ffluent standards specifying the maximum amounts or concentrations and the physical, thermal, chemical, biological, and radioactive nature of the contaminants that may be discharged into the waters of this state".

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

IN RE: REQUEST BY MCGEORGE)
CONTRACTING CO., INC.)
TO INITIATE RULEMAKING TO AMEND) DOCKET NO. 09-003-R
REGULATION NO. 2)

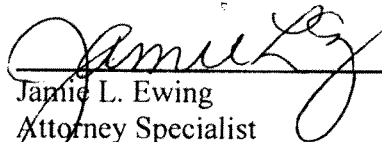
ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S
RESPONSE TO COMMENTS

On October 23, 2009, the Arkansas Pollution Control and Ecology Commission granted the petition of McGeorge Contracting Co., Inc. ("McGeorge") to initiate rulemaking to amend APC&EC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas. A public hearing was held on December 14, 2009, at the ADEQ Headquarters in North Little Rock, Arkansas. No public comments were submitted at the public hearing. The public comment period ended on December 30, 2009 and no written comments were received on the petition. Therefore, it is not necessary for the Department to respond to any comments from the public. Likewise, the Department does not recommend any changes to the proposed rule based on public comments.

Respectfully submitted,

ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
North Little Rock, AR 72118
(501) 682-0892

By:



Jamie L. Ewing
Attorney Specialist
ADEQ

EXECUTIVE SUMMARY

McGeorge Contracting Co., Inc. (McGeorge) is requesting a modification of the Arkansas Water Quality Standards (WQS) set forth in Regulation No. 2 of the Arkansas Pollution Control and Ecology Commission. McGeorge requests modification of the sulfate and total dissolved minerals (TDS) dissolved mineral water quality criteria for McGeorge Creek to its confluence with Willow Springs Branch, Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek, and Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek. The specific amendments to Regulation No. 2 requested by McGeorge are set forth more fully below.

McGeorge has operated a kaolin clay mine site in Little Rock, Pulaski County, Arkansas from (2001), when it was purchased as an active kaolin clay mine from A.P. Green Industries, Inc. until present. Two active kaolin clay mine pits remain on the site. Stormwater collects in the kaolin clay pits and is discharged as required through Outfalls 001 and 002, as authorized by the Arkansas Department of Environmental Quality (ADEQ) under McGeorge's National Pollutant Discharge Elimination System (NPDES) Permit No. AR00001503 (NPDES Permit). On November 1, 2004 McGeorge was issued a renewal of the NPDES Permit, which imposed ecoregion based effluent limitations for dissolved minerals; e.g. total dissolved solids (TDS), with a compliance period to allow McGeorge to collect the information necessary to demonstrate that the ecoregion uses can be maintained at increased levels of sulfates and TDS. The proposed rulemaking will enable McGeorge to continue discharging sulfate and TDS through Outfalls 001 and 002 at the same levels as have traditionally been discharged.

The effluent from Outfalls 001 and 002 discharges into McGeorge Creek. The aquatic life field studies conducted in 2008 show that despite the fact that the watercourses are seasonal wet weather tributaries with small watersheds which limit the development of biotic communities, the designated aquatic life use and the biological integrity of the watercourses is being maintained downstream of the discharges. Further recent whole effluent toxicity testing demonstrates that there is no toxicity as a result of the dissolved mineral concentrations.

Pursuant to Section 2.306 of Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 2, Section 3.4 of APCEC Regulation No. 8 and the Continuing Planning Process, McGeorge is requesting the following modification to Regulation No. 2:

- a. *modify the dissolved minerals criteria for the McGeorge Creek to confluence with Willow Springs Branch as follows:*
 - *Sulfate from 41.3 mg/L to 257 mg/L*
 - *TDS from 138 mg/L to 432 mg/L*

- b. *modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:*
 - *Sulfate from 41.3 mg/L to 112 mg/L*
 - *TDS from 138 mg/L to 247 mg/L*

- c. *modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs ranch and Fourche Creek as follows:*
- *Sulfate: NO CHANGE*
 - *TDS from 138 mg/L to 179 mg/L*

This Request is supported by the following:

- The aquatic life field studies conducted in 2008 show that the discharges from Outfalls 001 and 002 support the ecoregion aquatic life (fisheries) uses.
- A toxicity evaluation indicates that observed toxicity is not due to dissolved minerals; e.g. sulfate and TDS. Accordingly, the discharges from Outfalls 001 and 002 will have no adverse effect on the aquatic life communities of the affected watercourses;
- There is no current economically feasible treatment technology for the removal of sulfate or TDS. Ion exchange and reverse osmosis treatment technologies do exist; however, these methods are not cost effective on a large scale basis, are prohibitively expensive, and generate solid waste which is environmentally difficult to dispose of. Such treatment technology is not required to meet the existing uses and would not add any significant environmental protection.

2009 AUG 25 PM 4: 22

**BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL & ECOLOGY**

**IN RE: REQUEST BY McGEORGE
CONTRACTING CO., INC
TO INITIATE RULEMAKING TO AMEND
REGULATION NO. 2**

)
)
)
)

DOCKET NO. 09-003-R

**PETITION TO INITIATE THIRD-PARTY
RULEMAKING TO AMEND REGULATION NO. 2**

Petitioner, McGeorge Contracting Co. Inc. ("McGeorge") for its Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 ("Petition") states:

1. This Petition is submitted pursuant to Section 2.306 of Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 2 Arkansas Water Quality Standards (WQS), Section 3.4 of APCEC Regulation No. 8, and the Continuing Planning Process (CPP). As set forth more fully below in paragraph 7, McGeorge is requesting modifications of the following:

(a) the sulfate and total dissolved minerals (TDS) criteria of the WQS for (i) McGeorge Creek to confluence with Willow Springs Branch; and (ii) Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek;

(b) TDS in Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek.

2. McGeorge has operated a kaolin clay mine site in Little Rock, Pulaski County, Arkansas from approximately 2001, when it was purchased as an active kaolin clay mine from A.P. Green Industries, Inc., until present. Two active kaolin clay mine pits remain on the site.

3. Stormwater collects in the kaolin clay, pits, and is discharged as required through

Outfalls 001 and 002, as authorized by the Arkansas Department of Environmental Quality (ADEQ) under McGeorge's National Pollutant Discharge Elimination System (NPDES) Permit No. AR00001503 (the "Permit."). Due to the close proximity of the outfalls with one another, they are treated as one with regards to the stream mineral concentrations and the proposed rulemaking changes described herein.

4. On November 1, 2004 McGeorge was issued a renewal of the Permit, which imposed, for the first time, ecoregion based effluent limitations for dissolved minerals; e.g. total dissolved solids (TDS). The ecoregion based effluent limitation for TDS in the Permit is based on ecoregion mineral criteria, and are 112.3 mg/l (monthly average) and 168.5 mg/l (daily max). Previously the Permit included dissolved mineral effluent limitations based on secondary drinking water limits. The secondary drinking water based effluent limitation for TDS in the previous Permit were based on the maintenance of the designated, but not existing, domestic water supply use, and were 500 mg/l (monthly average) and 750 mg/l (daily max). Because the ecoregion based effluent limitations resulted in more stringent permit limits, McGeorge was given a compliance period to achieve compliance with the new, more restrictive, water quality based effluent limitations, with interim limits equivalent to the prior effluent limits being in effect during the compliance period. McGeorge proceeded to collect the information necessary to seek a change to the ecoregion based water quality standards applicable to the receiving streams. On January 23, 2009 McGeorge and ADEQ entered into Consent Administrative Order No. LIS 09-012 which extended the compliance period and interim limits pending completion of a third party rulemaking to revise the ecoregion based water quality limits, and to modify the Permit to incorporate the revised water quality standards.

6. Pursuant to APCEC Regulation No. 2, the watercourses at issue herein are assigned the following designated existing uses:

McGeorge Creek

- Secondary Contact Recreation (presumed as default)

Willow Creek Branch

- Primary and Secondary Contact Recreation (presumed as default)

Little Fourche Creek

- Primary and Secondary Contact Recreation (presumed as default)

7. Through this Petition, McGeorge is requesting the following amendments to APCEC Regulation No. 2:

- a. modify the dissolved minerals criteria for the McGeorge Creek to confluence with Willow Springs Branch as follows:
 - Sulfate from 41.3 mg/L to 257 mg/L
 - TDS from 138 mg/L to 432 mg/L
- b. modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:
 - Sulfate from 41.3 mg/L to 112 mg/L
 - TDS from 138 mg/L to 247 mg/L
- c. modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek as follows:
 - Sulfate: NO CHANGE
 - TDS from 138 mg/L to 179 mg/L

8. A black-lined version of the specific changes which are requested to Regulation No. 2 is attached hereto as Exhibit "A" and is incorporated herein.

9. McGeorge's "Use Attainability Analysis Report" (the "UAA Report") is filed contemporaneously herewith as Exhibit H and is incorporated herein. This document fully satisfies the information requirements of Section 2.306 of Regulation No. 2 for Site Specific

Criteria for amending Regulation No. 2.

10. This Petition is supported by the following facts:

- The UAA Report shows that existing aquatic life is limited by habitat and will not be adversely affected by TDS and sulfate levels in McGeorge's discharge.
- There is no current economically feasible treatment technology for the removal of sulfate and TDS. Ion exchange and reverse osmosis treatment technologies do exist; however, these methods are not cost effective on a large scale basis, are prohibitively expensive, and generate concentrated brine which is environmentally difficult to dispose of. Such treatment technology is not required to meet the existing uses and would not add any significant environmental protection.
- Modification to the mineral criteria will not preclude the attainment of other designated and attainable uses (i.e. primary and secondary contact recreation, domestic, industrial and agricultural water supply).

11. The Questionnaire for Filing Proposed Rules and Regulations with the Arkansas Legislative Council and Joint Interim Committee is attached hereto as Exhibit "B", with an Executive Summary attachment, and is incorporated herein.

12. The Financial Impact Statement is attached hereto as Exhibit "C" and is incorporated herein.

13. The Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit "D" and is incorporated herein.

14. McGeorge has reviewed Executive Order 05-04 and has determined that the

request herein does not affect small business for the following reasons: (a) there are no commercial operations located on or adjacent to the affected watercourses which use the waters; (b) while this rulemaking will increase the loadings for sulfate and TDS of the affected watercourses, there will be no impact to any agricultural or business usage of the affected watercourses as a result of the increase; and (c) the aquatic life studies of the affected stream segments demonstrate maintenance of designated fishery use. Therefore no economic impact analysis by the Arkansas Department of Economic Development is required.

15. Documentation supporting the changes requested by paragraph 7 above has been reviewed by the Arkansas Natural Resources Commission (ANRC), the Arkansas Game & Fish Commission (AGFC), and the Arkansas Department of Health and Human Services (ADHHS). The ANRC has provided documentation that the requested changes do not conflict with the Arkansas Water Plan. The ADHHS has provided documentation that neither McGeorge Creek nor Willow Springs Branch have been approved as, or are being considered as, domestic water sources. Copies of these agencies' documentation are attached hereto as **Exhibit E** and incorporated herein.

16. The proposed Minute Order to initiate rulemaking is attached hereto as **Exhibit F** and is incorporated herein.

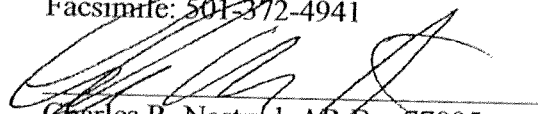
17. The proposed Public Notice for the hearing on this rulemaking is attached hereto as **Exhibit G** and is incorporated herein.

WHEREFORE, McGeorge Contracting Company, requests that the Commission initiate a rulemaking to amend Regulation No. 2, and amend Regulation No. 2 in the manner requested in Paragraph 7 above.

Respectfully submitted

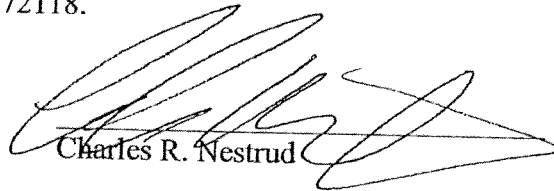
CHISENHALL, NESTRUD & JULIAN, P.A.
400 West Capitol, Suite 2840
Little Rock, AR 72201
Telephone: 501-372-5800
Facsimile: 501-372-4941

By:


Charles R. Nestrud, AR Bar 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 25 day of August, 2009 hand-delivered a copy of the foregoing Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 to Dawn Guthrie, Chief Counsel, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.


Charles R. Nestrud

**BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL & ECOLOGY**

**IN RE: REQUEST BY McGEORGE)
CONTRACTING CO., INC)
TO INITIATE RULEMAKING TO AMEND) DOCKET NO.09-003-R
REGULATION NO. 2)**

**AMENDED PETITION TO INITIATE THIRD-PARTY
RULEMAKING TO AMEND REGULATION NO. 2**

Petitioner, McGeorge Contracting Co. Inc. (“McGeorge”) for its Amended Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 (“Petition”) states:

1. This Petition is submitted pursuant to Ark. Code Ann Section 8-4-202(b)(3) which authorizes the Arkansas Pollution Control and Ecology Commission to adopt water quality standards for surface waters in the State of Arkansas; Section 2.306 of Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 2 Arkansas Water Quality Standards (WQS), Section 3.4 of APCEC Regulation No. 8, and the Continuing Planning Process (CPP). As set forth more fully below in paragraph 7, McGeorge is requesting modifications of the following water quality standards, found at Appendix A, Section GC, which identifies the Designated Uses for the Gulf Coastal Ecoregion:

(a) the sulfate and total dissolved minerals (TDS) criteria of the WQS for (i) McGeorge Creek to confluence with Willow Springs Branch; and (ii) Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek;

(b) TDS in Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek.

2. McGeorge has operated a kaolin clay mine site in Little Rock, Pulaski County,

Arkansas from approximately 2001, when it was purchased as an active kaolin clay mine from A.P. Green Industries, Inc., until present. Two active kaolin clay mine pits remain on the site.

3. Stormwater collects in the kaolin clay pits, and is discharged as required through Outfalls 001 and 002, as authorized by the Arkansas Department of Environmental Quality (ADEQ) under McGeorge's National Pollutant Discharge Elimination System (NPDES) Permit No. AR00001503 (the "Permit."). Due to the close proximity of the outfalls with one another, they are treated as one with regards to the stream mineral concentrations and the proposed rulemaking changes described herein.

4. On November 1, 2004 McGeorge was issued a renewal of the Permit, which imposed, for the first time, ecoregion based effluent limitations for dissolved minerals; e.g. total dissolved solids (TDS). The ecoregion based effluent limitation for TDS in the Permit is based on ecoregion mineral criteria, and are 112.3 mg/l (monthly average) and 168.5 mg/l (daily max). Previously the Permit included dissolved mineral effluent limitations based on secondary drinking water limits. The secondary drinking water based effluent limitation for TDS in the previous Permit were based on the maintenance of the designated, but not existing, domestic water supply use, and were 500 mg/l (monthly average) and 750 mg/l (daily max). Because the ecoregion based effluent limitations resulted in more stringent permit limits, McGeorge was given a compliance period to achieve compliance with the new, more restrictive, water quality based effluent limitations, with interim limits equivalent to the prior effluent limits being in effect during the compliance period. McGeorge proceeded to collect the information necessary to seek a change to the ecoregion based water quality standards applicable to the receiving streams. On January 23, 2009 McGeorge and ADEQ entered into Consent Administrative Order

No. LIS 09-012 which extended the compliance period and interim limits pending completion of a third party rulemaking to revise the ecoregion based water quality limits, and to modify the Permit to incorporate the revised water quality standards.

5. Pursuant to APCEC Regulation No. 2, the watercourses at issue herein are

assigned the following designated existing uses:

McGeorge Creek

- Secondary Contact Recreation (presumed as default)

Willow Creek Branch

- Primary and Secondary Contact Recreation (presumed as default)

Little Fourche Creek

- Primary and Secondary Contact Recreation (presumed as default)

6. Through this Petition, McGeorge is requesting the following amendments to APCEC Regulation No. 2:

- a. modify the dissolved minerals criteria for the McGeorge Creek to confluence with Willow Springs Branch as follows:
 - Sulfate from 41.3 mg/L to 257 mg/L
 - TDS from 138 mg/L to 432 mg/L
- b. modify the dissolved minerals criteria for Willow Springs Branch between confluences with McGeorge Creek and Little Fourche Creek as follows:
 - Sulfate from 41.3 mg/L to 112 mg/L
 - TDS from 138 mg/L to 247 mg/L
- c. modify the dissolved minerals criteria for Little Fourche Creek between confluences with Willow Springs Branch and Fourche Creek as follows:
 - Sulfate: NO CHANGE
 - TDS from 138 mg/L to 179 mg/L

7. Charles R. Nestrud of Chisenhall, Nestrud & Julian, P.A. (counsel for McGeorge) and/or Jim Malcolm of FTN Associates (environmental consultant for McGeorge) will be

available to answer questions concerning this proposed rulemaking. A red-lined version of the regulation showing the proposed changes is attached as Exhibit A and is incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit B and is incorporated by reference. A copy of the Financial Impact Statement is attached as Exhibit C and is incorporated by reference. A copy of a letter to the Arkansas Economic Development Commission requesting approval of the proposed rule pursuant to Act 143 of 2007 as amended by Act 809 of 2009 is attached as Exhibit D and is incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached as Exhibit E and is incorporated by reference. McGeorge's "Use Attainability Analysis Report" (the "UAA Report") is attached as Exhibit F and is incorporated by reference. A copy of the Review Documentation from the Arkansas Natural Resources Commission, the Arkansas Department of Health and the Arkansas Game and Fish Commission is attached as Exhibit G and is incorporated by reference. Exhibits F and G fully satisfy the information requirements of Section 2.306 of Regulation No. 2 for Site Specific Criteria for amending Regulation No. 2. A copy of the proposed Minute Order to initiate the rulemaking is attached as Exhibit H and is incorporated by reference.

8. This Petition is supported by the following facts:
 - The UAA Report shows that existing aquatic life is limited by habitat and will not be adversely affected by TDS and sulfate levels in McGeorge's discharge.
 - There is no current economically feasible treatment technology for the removal of sulfate and TDS. Ion exchange and reverse osmosis treatment technologies do exist; however, these methods are not cost effective on a large scale basis, are prohibitively expensive, and generate concentrated brine which is

environmentally difficult to dispose of. Such treatment technology is not required to meet the existing uses and would not add any significant environmental protection.


- Modification to the mineral criteria will not preclude the attainment of other designated and attainable uses (i.e. primary and secondary contact recreation, domestic, industrial and agricultural water supply).

WHEREFORE, McGeorge Contracting Company, requests that the Commission initiate a rulemaking to amend Regulation No. 2, and amend Regulation No. 2 in the manner requested in Paragraph 6 above.

Respectfully submitted

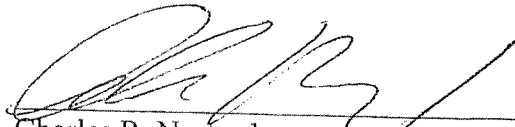
CHISENHALL, NESTRUD & JULIAN, P.A.
400 West Capitol, Suite 2840
Little Rock, AR 72201
Telephone: 501-372-5800
Facsimile: 501-372-4941

By:


Charles R. Nestrud, AR Bar 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 7 day of ^{Sept}~~August~~, 2009 hand-delivered a copy of the foregoing Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 to Dawn Guthrie, Chief Counsel, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.


Charles R. Nestrud

and Substituting Exhibit A to the Amended Petition (Red Lined Version of Regulation Showing Proposed Changes to Regulation No. 2). An amended and substituted Red Lined Version of Regulation Showing Proposed Changes to Regulation No. 2 is attached as Exhibit A and incorporated herein.

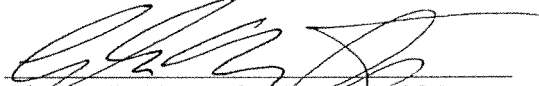
4. Through this Amendment to the Amended Petition, McGeorge is also Amending Exhibit F to the Amended Petition (Use Attainability Analysis). An addendum to the Use Attainability Analysis is attached hereto as Exhibit F-Addendum and incorporated herein..

WHEREFORE, McGeorge Contracting Company, requests that the Commission initiate a rulemaking to amend Regulation No. 2, and amend Regulation No. 2 in the manner requested in the Amended Petition, as further amended by this Amendment to the Amended Petition and as reflected in Exhibit A.

Respectfully submitted

CHISENHALL, NESTRUD & JULIAN, P.A.
400 West Capitol, Suite 2840
Little Rock, AR 72201
Telephone: 501-372-5800
Facsimile: 501-372-4941

By:


Charles R. Nestrud, AR Bar 77095

CERTIFICATE OF SERVICE

I, Charles R. Nestrud, state that I have, on this 23 day of September, 2009 hand-delivered a copy of the foregoing Petition to Initiate Third-Party Rulemaking to Amend Regulation No. 2 to Dawn Guthrie, Chief Counsel, Arkansas Department of Environmental Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118.


Charles R. Nestrud

**ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
McGEORGE CONTRACTING CO., INC
PINE BLUFF, AR**

DOCKET NO. 09-003-R

MINUTE ORDER NO. 09- 20

PAGE 1 OF 3

On August 25, 2009, McGeorge Contracting Co., ("McGeorge") Inc. filed a Petition to Initiate Third Party Rulemaking to Amend Regulation No. 2, Water Quality Standards ("Petition"). Pursuant to Ark. Code Ann. § 8-4-202 (c), the Arkansas Pollution Control and Ecology Commission ("Commission") has sixty (60) days in which to either institute rulemaking proceedings or to give written notice denying the petition for rulemaking. The Petition has been designated as Docket No. 09-003-R.

The Commission's Regulations Committee met on September 25, 2009 to review the McGeorge Petition. Having considered the Petition, the Regulations Committee recommends the Commission institute a rulemaking proceeding to consider adopting the proposed revision to Regulation No. 2. The Regulations Committee also recommends adoption of the following procedures and schedule.

1. McGeorge and the Arkansas Department of Environmental Quality ("ADEQ") shall file an original and one (1) copy and a computer disk in Word of all materials required under this Minute Order. This requirement does not apply to transcripts.

2. Persons submitting written public comments shall submit them to ADEQ and ADEQ will deliver the originals of all comments to the Commission Secretary at the conclusion of the proceeding.

3. McGeorge will submit to the ADEQ's Public Outreach and Assistance Division ("POA"), the following:

a. A proposed public notice to be used in mailing notice to interested persons, for publishing in appropriate industry, trade, or professional publications as the Commission may select. The proposed public notice may, in the ADEQ's discretion, be approved for use or ADEQ may choose to prepare its own public notice. The public notice shall conform to the requirements of Regulation No. 8.803. The public notice shall be published not later than 45 days prior to the first public hearing. By agreement, McGeorge shall pay the costs of the newspaper publications and the costs of the appropriate industry, trade or professional publications chosen by the Commission and shall file only the original proof of publication with the Commission. ADEQ shall be responsible for mailing the public notice to all persons who have requested advance notice of rulemaking proceedings and the cost of the mailing.

b. Fifty (50) copies of the executive summary of the proposed rulemaking.

c. Bound copies of the Petition and all supporting documentation, the number of which is to be determined by POA

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
McGEORGE CONTRACTING CO., INC
PINE BLUFF, AR

DOCKET NO. 09-003-R

MINUTE ORDER NO. 09-2C

PAGE 2 OF 3

-
4. A public hearing shall be conducted on November 16, 2009 at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive, North Little Rock, Arkansas, to receive comments. The hearing will begin at 2:00 p.m. in the Commission Room.
 5. The period for receiving all written comments by the public, McGeorge, and the ADEQ shall conclude ten (10) business days after the date of the public hearing unless an extension of time is granted.
 6. McGeorge and the ADEQ shall each file, not later than 14 days before the Commission meets to consider adoption of the proposed regulation, a Statement of Basis and Purpose and Responsive Summary as required by Regulation No. 8.815. In addition, McGeorge and ADEQ shall file a proposed Minute Order deciding this matter.
 7. The ADEQ shall seek review of the proposed rule from the Joint Interim Committee on Public Health and Welfare and/or from the Joint Interim Committee on Administrative Rules and Regulations.
 8. The Regulations Committee and the Commission may consider this matter at their January 22, 2010 meeting. In the event the appropriate legislative committees do not complete review of the proposed rule by the above date, the Regulations Committee and the Commission will consider the proposed amendments to the regulation after review by the appropriate legislative committee. Members of the Regulations Committee may ask questions of any persons that made oral or written comments and it will make a recommendation to the Commission.
 9. At the Commission's meeting, the presentation of oral statements and legal arguments will be regulated as follows:
 - a. The Chair of the Commission will permit members of the public to make statement to the Commission. No more than three (3) minutes will be allowed for each statement. The period for statements will close at the end of one (1) hour, or sooner if all interested persons have completed their statements. At the discretion of the Chair, the one (1) hour oral statement period may be extended.
 - b. At the discretion of the Chair, an attorney representing one or more individuals, a corporation or other legal entity may be permitted five (5) minutes in which to address the Commission.
 - c. Legal counsel or other designated persons representing McGeorge and the ADEQ shall be permitted ten (10) minutes in which to address the Commission.

ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION

SUBJECT-Regulation No. 2
Water Quality Standards
Third-Party Rulemaking
McGEORGE CONTRACTING CO., INC
PINE BLUFF, AR

DOCKET NO. 09-003-R

MINUTE ORDER NO. 09-20

PAGE 3 OF 5

- d. At the conclusion of all statements, the Chair will call on each Commissioner for the purpose of asking the attorneys or persons sponsoring statements who are present, any questions they may have. Attorneys will not be permitted to respond or ask follow-up questions of any person questioned by a Commissioner.

After each Commissioner has had an opportunity to ask questions, the Chair will entertain a motion on the matter, allow discussion, and call for a vote of the Commission members.

10. If McGeorge desires a transcript of the public hearing, Regulations Committee meeting, and Commission meetings, or if required by the Commission, McGeorge agrees to pay all costs for the preparation of the transcript of the public hearing, Regulations Committee meetings and Commission meetings which concern this docket and occur after the adoption of this Minute Order. If transcript is required, McGeorge will employ the court reporter and the court reporter shall deliver the original transcript to the Commission Secretary.

11. The Commission finds the proposed regulation does not affect small business.

The Commission accepts the recommendation of the Regulations Committee and initiates the rulemaking proceeding in this docket. The Commission adopts, without modification, the procedural schedule set forth above.

COMMISSIONERS:

____ J. Simpson
____ D. Hendrix
____ L. Bengel
____ *RSK* S. Henderson
____ *dy* C. McGrew
____ D. Samples

JYC
____ J. Chamberlin
JTS
____ J. Shannon
L
____ L. Sickel
ESK
____ E. Valdez
W
____ B. White
____ R. Young
WST

J. Simpson
J. Simpson, Chair

Submitted by: Charles R. Nestrud

DATE PASSED: 10-23-09

NOTICE OF PROPOSED THIRD-PARTY RULEMAKING, PUBLIC HEARING

The Arkansas Pollution Control and Ecology Commission (APC&EC) will hold a public hearing at North Little Rock December 14, 2009, to receive comments on a third-party proposal by McGeorge Contracting Co., Inc., (McGeorge) of Little Rock to change APC&EC Regulation 2, the Arkansas Water Quality Standards. The hearing will begin at 2:00 p.m. in the Commission Room at the Arkansas Department of Environmental Quality (ADEQ) headquarters building, 5301 Northshore Drive. The deadline for submitting written comments on the regulation is 4:30 p.m. December 30, 2009.

Sections 3.4.1 through 3.4.4 of APC&EC Regulation 8 (Administrative Procedures), and the Arkansas Code, Annotated, Section 8-4-202(c) provide that outside parties may petition the PC&EC to initiate the rulemaking process to adopt or amend regulations under the APC&EC's jurisdiction. APC&EC authority to amend Regulation 2 is found in Arkansas Code Annotated, Section 8-4-201 et seq.

The fact that the APC&EC has agreed to initiate such a third-party rulemaking procedure does not constitute an endorsement of the proposal at this time. The APC&EC will decide whether to adopt the proposed changes after the conclusion of the public comment period for the proposal and after McGeorge and the ADEQ staff respond to all public comments submitted during the open comment period.

McGeorge proposes to revise Regulation 2 by changing the water quality standards for three streams in Pulaski County as follows:

- Modifying the dissolved minerals criteria for McGeorge Creek to its confluence with Willow Springs Branch by increasing the standard for Sulfates from 41.3 milligrams per liter (mg/l) to 250 mg/l, and increasing the Total Dissolved Solids (TDS) standard from 138 mg/l to 432 mg/l;
- Modifying the dissolved minerals criteria for Willow Springs Branch from its confluence with McGeorge Creek to its confluence with Little Fourche Creek by increasing the Sulfates standard from 41.3 mg/l to 112 mg/l, and increasing the TDS standard from 138 mg/l to 247 mg/l;
- And modifying the dissolved minerals criteria for Little Fourche Creek from its confluence with Willow Springs Creek to its confluence with Fourche Creek by increasing the TDS standard from 138 mg/l to 179 mg/l.

Detailed copies of the proposed regulation change, along with support documents and summary information, are available for public inspection during normal business hours in the Public Outreach and Assistance Division, located on the second floor of the ADEQ's North Little Rock office, and in ADEQ information depositories located in the main branch of the Little Rock Public Library, 100 Rock Street, and in the Arkansas State Library located on the State Capitol grounds at Little Rock.

In addition, summary information concerning the proposal is available at other ADEQ information depositories located in public libraries at Arkadelphia, Batesville, Blytheville, Camden, Clinton, Crossett, El Dorado, Fayetteville, Forrest City, Fort Smith, Harrison, Helena, Hope, Hot Springs, Jonesboro, Magnolia, Mena, Monticello, Mountain Home, Pocahontas, Russellville, Searcy, Stuttgart, Texarkana, and West Memphis; and in campus libraries at the University of Arkansas at Pine Bluff and the University of Central Arkansas at Conway.

Information concerning the proposed changes also can be viewed and downloaded at the ADEQ's Internet web site at the following URL address: www.adeq.state.ar.us.

Oral and written comments on the proposed changes to Regulation 2 will be accepted at the hearing, but written comments are preferred in the interest of accuracy. In addition, written or electronic mail comments will be accepted if received no later than 4:30 p.m. December 30, 2009. Written comments should be sent to Doug Szenher, public information coordinator, Arkansas Department of Environmental Quality, Public Outreach and Assistance Division, 5301 Northshore Drive, North Little Rock, AR 72118. Electronic mail comments should be sent to the following address: reg-comment@adeq.state.ar.us.

Published October 28 and 29, 2009,

Teresa Marks, Director,
Arkansas Department of Environmental Quality

DESIGNATED USES: GULF COASTAL ECOREGION

(Plates GC-1, GC-2, GC-3, GC-4)

Extraordinary Resource Waters

Saline River (GC-3, GC-4)

Moro Creek - adjacent to natural area (GC-3)

Natural and Scenic Waterways

Saline River from the Grant-Saline County line to mouth (GC-3)

Ecologically Sensitive Waterbodies

Little River above Millwood Reservoir - location of Ouachita rock pocketbook and pink mucket mussels (GC-1)

Grassy Lake and Yellow Creek below Millwood Reservoir - unique ecosystem and biota (GC-1) Lower Little

Missouri River - location of peppered shiner and longnose darter (GC-2)

Lower Saline River - location of peppered shiner, crystal darter and goldstripe darter (GC-3)

Ouachita River near Arkadelphia - location of flat floater, Ouachita rock pocketbook and pink mucket mussels (GC-2)

Streams with Substantial Springwater Influence

L'Eau Frais (GC-4)

Cypress Creek (GC-4)

East and West Fork Tulip Creeks (GC-4)

Others to be determined

Primary Contact Recreation - all streams with watersheds greater than 10 mi² and all lakes/reservoirs

Secondary Contact Recreation - all waters

Domestic, Industrial and Agricultural Water Supply - all waters

Fisheries

Trout

Little Missouri River from Narrows Dam to confluence with Muddy Fork (GC-1)

Lakes and Reservoirs - all

Streams

Seasonal Gulf Coastal fishery - all streams with watersheds of less than 10 mi² except as otherwise provided in Reg. 2.505

Perennial Gulf Coastal fishery - all streams with watersheds of 10 mi² or larger and those waters where discharges equal or exceed 1 CFS

Use Variations Supported by UAA

Loutre Creek - perennial fishery, except seasonal from railroad bridge to mouth (GC-2, #1)

Unnamed tributary to Smackover Creek - no fishable/swimmable uses (GC-2, #2)

Unnamed tributary to Flat Creek - no fishable/swimmable uses (GC-2, #4)

Dodson Creek - perennial fishery (GC-4, #5)

Jug Creek - perennial fishery (GC-2, #6)

Lick Creek - seasonal fishery; no primary contact (GC-1, #7)

Coffee Creek and Mossy Lake - no fishable/swimmable or domestic water supply uses (GC-3, #8)

Albemarle unnamed trib (AUT) to Horsehead Creek - chlorides 137 mg/l; TDS 383 mg/l (GC-2,#27)
Horsehead Creek from AUT to mouth - chlorides 85 mg/l; TDS 260 mg/l(GC-2,#27)
Bayou Dorcheat - sulfates 16 mg/l (GC-2,#27)
Dismukes Creek – chlorides 26 mg/L; TDS 157 mg/L (GC-2, #28)
Big Creek from Dismukes to Bayou Dorcheat – chlorides 20 mg/L; TDS 200 mg/L (GC-2, #28)
Bayou de Loutre from Chemtura outfall to Loutre Creek – maximum water temperature 96°F (GC-2, #29)
Unnamed tributary of Lake June below Entergy Couch Plant to confluence with Lake June – maximum water temperature 95 degrees F (limitation of 5 degrees above natural temperature does not apply) (GC-1, #30).
Unnamed tributary from Great Lakes Chemical Company Outfall 002 to Bayou de Loutre-chloride 65, sulfate 35 mg/L,
TDS 141 mg/L (GC-2, #31)
Unnamed tributary from Great Lakes Chemical Company Outfall 004 to Bayou de Loutre-chloride 239 mg/L.,
TDS 324 mg/L (GC-2, #32)
Bayou de Loutre from mouth of UT004 to mouth of Loutre Creek, chloride 278 mg/L (GC-2, #33)
Unnamed tributary from Great Lakes Chemical Company Outfall 003 (UT003) downstream to unnamed tributary
to Little Cornie Bayou – chloride 538 mg/L, sulfate 35 mg/L, and TDS 519 mg/L (GC-2, #34)
Unnamed tributary of Little Cornie Bayou to confluence with Little Cornie Bayou – chloride 305 mg/L and TDS
325 mg/L (GC-2, #35)
Little Cornie Bayou from mouth UTA to state line- chloride 215mg/L,sulfate 25mg/L and TDS 500mg/L.
(GC-2, #36)

Unnamed tributary to Flat Creek from EDCC Outfall 001 d/s to confluence with unnamed tributary A to Flat Creek
Chloride 23 mg/L, Sulfate 125 mg/L, TDS 475 mg/L, (GC-2, #37)
Unnamed tributary A to Flat Creek from mouth of EDCC 001 ditch to confluence with Flat Creek,
Chloride 16 mg/L, Sulfate 80 mg/L, TDS 315 mg/L, (GC-2, #38)
Flat Creek from mouth of UTA to confluence with Haynes Creek,
Chloride 165 mg/L, Sulfate 67 mg/L, TDS 560 mg/L (GC-2, #39)
Haynes Creek from mouth of Flat Creek to confluence with Smackover Creek, Chloride 360 mg/L, Sulfate 55 mg/L,
TDS 855 mg/L (GC-2, #40)
Loutre Creek from Hwy 15 South to the confluence of Bayou de Loutre Chloride, 256mg/l; Sulfate 997mg/l, TDS,
1756* (GC-3. #41)
Bayou de Loutre from Loutre Creek to the discharge for the City of El Dorado South facility Chloride,
264mg/l;
Sulfate 635mg/l, TDS, 1236* (GC-3. #42)
Bayou de Loutre from the discharge from the City of El Dorado-South downstream to the mouth of Gum Creek.
Chloride,
250mg/l; Sulfate 431mg/l, TDS, 966 (GC-3. #43)
Bayou de Loutre from the mouth of Gum Creek downstream to the mouth of Boggy Creek Chloride,
250mg/l;
Sulfate 345mg/l, TDS, 780 (GC-3. #44)
Bayou de Loutre from the mouth of Boggy Creek downstream to the mouth of Hibank Creek Chloride, 250mg/l;
Sulfate
296mg/l, TDS, 750 (GC-3. #45)
Bayou de Loutre from the mouth of Hibank Creek downstream to the mouth of Mill Creek Chloride, 250mg/l;
Sulfate
263mg/l, TDS, 750 (GC-3. #46)
Bayou de Loutre from the mouth of Mill Creek downstream to the mouth of Buckaloo Branch Chloride,
250mg/l; Sulfate
237mg/l, TDS, 750 (GC-3. #47)

* Increase over natural temperatures may not be more than 2.8°C (5°F).

** At water temperatures $\leq 10^{\circ}\text{C}$ or during March, April and May when stream flows are 15 CFS and greater, the primary season D.O. standard will be 6.5 mg/l. When water temperatures exceed 22°C , the critical season D.O. standard may be depressed by 1 mg/l for no more than 8 hours during a 24-hour period

Variations Supported by UAA

- Loutre Creek - from headwaters to railroad bridge, critical season D.O. standard - 3 mg/l; primary season - 5 mg/l;
from railroad bridge to mouth, critical season D.O. - 2 mg/l (GC-2, #1)
- Unnamed tributary to Smackover Creek - headwaters to Smackover Creek, year round D.O. criteria - 2 mg/l
(GC-2, #2)
- Unnamed tributary to Flat Creek - from headwaters to Flat Creek, year round D.O. criteria - 2 mg/l (GC-2, #4)
- Dodson Creek - from headwaters to confluence with Saline River, critical season D.O. standard - 3 mg/l (GC-4, #5)
- Jug Creek - from headwaters to confluence with Moro Creek, critical season D.O. standard - 3 mg/l (GC-2, #6)
- Lick Creek - from headwaters to Millwood Reservoir, critical season D.O. standard - 2 mg/l (GC-1, #7)
- Coffee Creek and Mossy Lake - exempt from Reg. 2.406 and Chapter Five (GC-3, #8)
- Red River from Oklahoma to confluence with Little River - total dissolved solids - 850 mg/l (GC-1, #9)
- Bluff Creek and unnamed trib. - sulfates 651 mg/l; total dissolved solids 1033 mg/l (GC-1, #10)
- Muddy Fork Little Missouri River - sulfates 250 mg/l; total dissolved solids 500 mg/l (GC-1, #24)
- Little Missouri River - sulfates 90 mg/l; total dissolved solids 180 mg/l (GC-1, #25)
- Mine Creek from Highway 27 to Millwood Lake - chlorides - 90 mg/l; sulfates - 65 mg/l; TDS - 700 mg/l (GC-1, #11)
- Caney Creek - chlorides 113 mg/l; sulfates 283 mg/l; total dissolved solids 420 mg/l (GC-1, #12)
- Bois d'Arc Creek from Caney Creek to Red River - chlorides 113 mg/l; sulfates 283 mg/l; dissolved solids 420 mg/l (GC-1, #13)
- Town Creek below Acme tributary - sulfates 200 mg/l; TDS 700 mg/l (GC-4, #14)
- Unnamed trib. from Acme - sulfates 330 mg/l; TDS 830 mg/l (GC-4, #14)
- Gum Creek - chlorides 104 mg/L; TDS 311 mg/L (GC-2, #15)
- Bayou de Loutre from Gum Creek to State line - Chlorides 250 mg/l; TDS solids 750 mg/l (GC-2, #16)
- Walker Branch - chlorides 180 mg/l; total dissolved solids 970 mg/l (GC-2, #17)
- Ouachita River - from Ouachita River mile (ORM) 223 to the Arkansas-Louisiana border (ORM 221.1), site specific seasonal D.O. criteria: 3 mg/L June and July; 4.5 mg/L August; 5 mg/L September through May. These seasonal criteria may be unattainable during or following naturally occurring high flows, (i.e., river stage above 65 feet measured at the lower gauge at the Felsenthal Lock and Dam, Station No. 89-o, and also for the two weeks following the recession of flood waters below 65 feet), which occurs from May through August. Naturally occurring conditions which fail to meet criteria should not be interpreted as violations of these criteria (GC-3, #26)
- Alcoa unnamed trib. to Hurricane Cr. And Hurricane Cr. - see Reg. 2.511 (CG-4, #19)
- Holly Creek - See Reg. 2.511 (CG-4, #20)
- Saline River bifurcation - see Reg. 2.511 (GC-4, #23)
- Dry Lost Creek and tributaries - see Reg. 2.511 (GC-4, #21)
- Lost Creek - see Reg. 2.511 (GC-4, #22)

Red River from Oklahoma to confluence with Little River - No domestic water supply use (GC-1, #9)
 Bluff Creek and unnamed tributary - no domestic water supply use(GC-1,#10)
 Mine Creek from Highway 27 to Millwood Lake - no domestic water supply use (GC-1, #11)
 Caney Creek - no domestic or industrial water supply use(GC-1,#12)

Use Variations Supported by UAA

Bois d'Arc Creek from Caney Creek to Red River - no domestic or industrial water supply use(GC-1,#13)
 Town Creek below Acme tributary - no domestic water supply(GC-4,#14)
 Unnamed trib. from Acme - no domestic water supply(GC-4,#14)
 Gum Creek - no domestic water supply use(GC-2,#15)
 Bayou de Loutre from Gum Creek to State line - no domestic water supply use(GC-2,#16)
 Walker Branch - no domestic water supply use(GC-2,#17)
 Little Cornie Bayou from Walker Branch to State line - no domestic water supply use(GC-2,#18)
 Alcoa unnamed trib to Hurricane Cr.and Hurricane Cr. - no domestic water supply use(GC-4,#19)
 Holly Creek - no domestic water supply use(GC-4,#20)
 Dry Lost Creek and Tribs. - no domestic water supply use(GC-4.#21)
 Lost Creek - no domestic water supply use(GC-4,#22)
 Albemarle unnamed trib (AUT) to Horsehead Creek - no domestic water supply use(GC-2,#27)
 Horsehead Creek from AUT to mouth - no domestic water supply use(GC-2,#27)
 Dismukes Creek and Big Creek to Bayou Dorcheat – no domestic water supply
 Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre - no domestic water supply use

SPECIFIC STANDARDS: GULF COASTAL ECOREGION
 (Plates GC-1, GC-2, GC-3, GC-4)

and	Typical	Spring Water	Lakes
	<u>Streams</u>	<u>Streams</u>	
<u>Reservoirs</u>			
Temperature °C (°F)* (89.6)	30 (86)	30 (86)	32
Ouachita River (state line to Little Missouri River)	32 (89.6)		
Red River	32 (89.6)		
Turbidity (NTU) (base/all) Red River (base/all)	21/32 50/150	21/32	25/45
Minerals 2.511	see Reg. 2.511		see Reg.
Dissolved Oxygen (mg/l) ** 2.505	<u>Pri.</u>	<u>Crit.</u>	see Reg.
<10 mi ² watershed	5	2	
10 mi ² - 500 mi ²	5	3	
>500 mi ² watershed	5	5	
All sizes	6	5	
All other standards	(same as statewide)		

Bayou de Loutre from the mouth of Buckaloo Branch downstream to the mouth of Bear Creek Chloride, 250mg/l; Sulfate 216mg/l, TDS, 750 (GC-3. #48)

Bayou de Loutre from the mouth of Bear Creek to the final segment of Bayou de Loutre. Chloride, 250mg/l; Sulfate 198mg/l, TDS, 750(GC-3. #49)

Bayou de Loutre (Final Segment) to the Arkansas / Louisiana State Line. Chloride, 250mg/l; Sulfate 171 mg/l, TDS, 750(GC-3. #50)

Boggy Creek from the discharge from Clean Harbors El Dorado LCC downstream to the confluence of Bayou de Loutre. Chloride, 631mg/l; Sulfate, 63 mg/l, TDS, 1360; Selenium, 15.6 u/l

McGeorge Creek (headwaters to Willow Springs Branch) – Sulfate, 257 mg/L; TDS, 432 mg/L (GC-4. #52)

Willow Spring Branch (McGeorge Creek to Little Fourche Creek) – Sulfate, 112 mg/L; TDS, 247 mg/L (GC-4. #53)

Little Fourche Creek (Willow Springs Branch to Fourche Creek) – TDS, 179 mg/L (GC-4. #54)

Plate GC-2 (Gulf Coastal Plain)

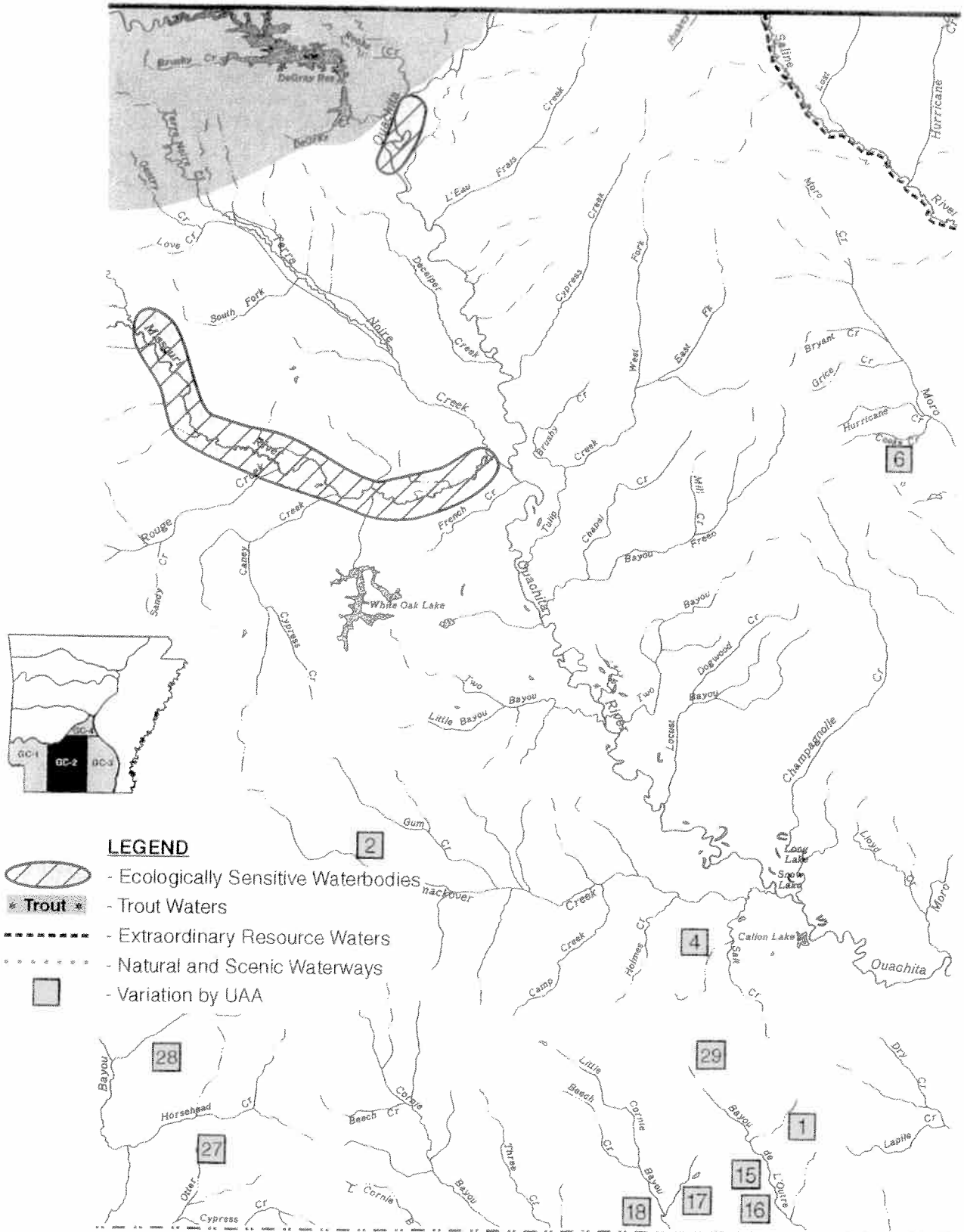


Plate GC-3 (Gulf Coastal Plain)

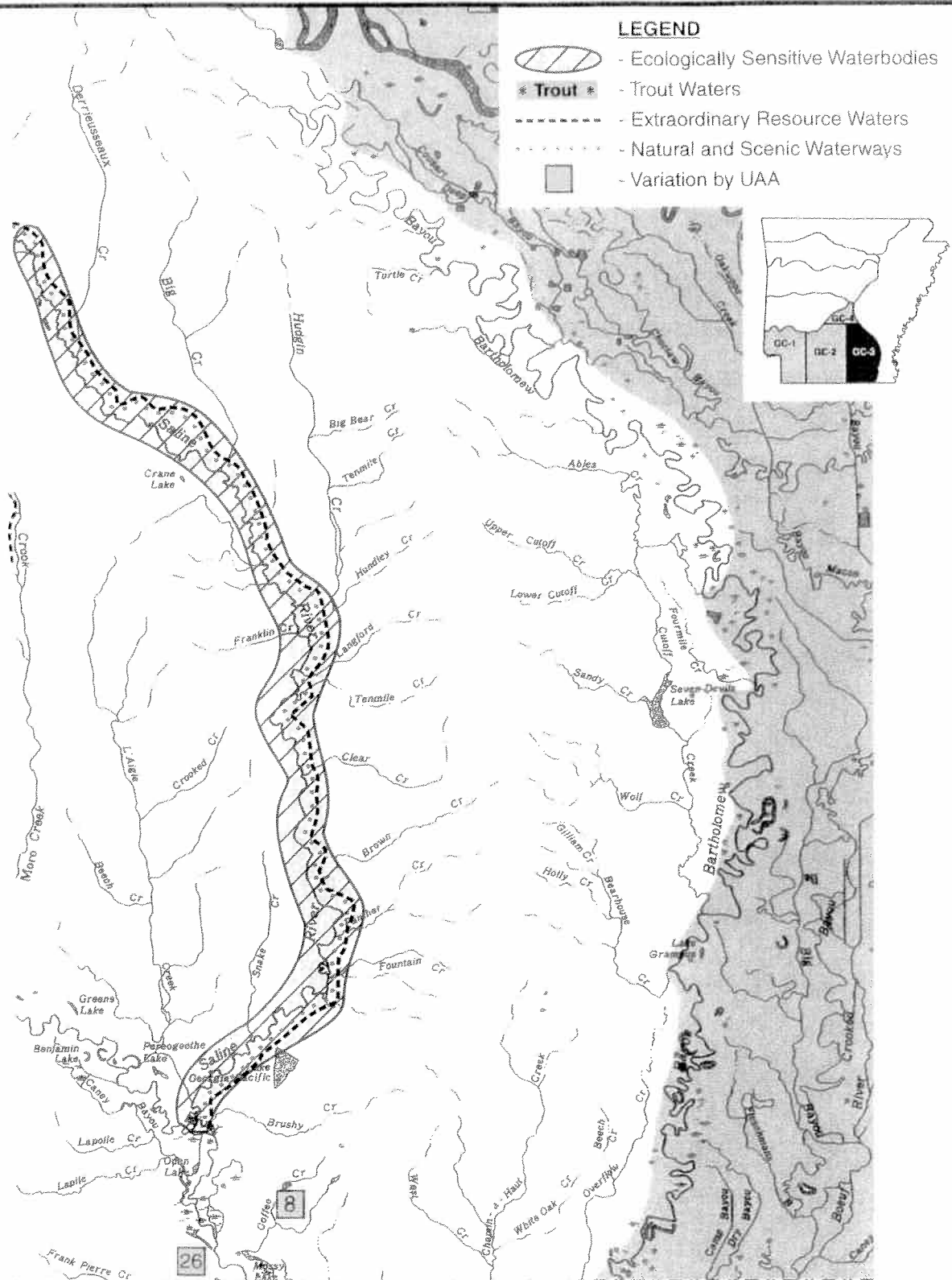
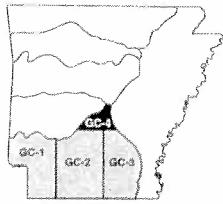







Plate GC-4 (Gulf Coastal Plain)



LEGEND

-  - Ecologically Sensitive Waterbodies
-  * Trout * - Trout Waters
-  - Extraordinary Resource Waters
-  - Natural and Scenic Waterways
-  - Variation by UAA

