

Regulation No. 3, as amended, pertaining to the licensing of operators of wastewater treatment plants and the classification of wastewater treatment plants, defines Commission in Section 2, Paragraph A, as follows:

"Commission" means the Commission on Pollution Control and Ecology of the State of Arkansas, formerly the Arkansas Pollution Control Commission.

Section 4. Powers and Duties. Paragraph A, subparagraph 3, reads as follows:

A. The Commission shall be charged with the responsibility of administering and enforcing Act 211 of 1971, with the advice and assistance of the Licensing Committee, and is given and charged with the following powers and duties:.....

3. To issue licenses to qualified wastewater treatment plant operators, to renew said licenses, and to suspend or revoke said licenses for cause and after due notice and hearing.

Section 8. Licenses. Paragraph F reads as follows:

F. The Commission shall issue licenses to those who meet the qualifications and requirements under this regulation and Act 211 of 1971.

Act 472 of 1949, as amended, reads as follows:

Section 82-1903(b)(2) The Director shall be the executive officer and active administrator of all pollution control activities.....and shall have such other delegated powers and duties as the Commission may direct or authorize.

The Commission hereby authorizes the Director of the Department of Pollution Control and Ecology to issue said wastewater operator licenses.

COMMIS-  
SIONERS

J.B.  
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Ralph A. Dumas Submitted by H.G. Hannah Date Passed 3/24/1978  
Chairman



STATE OF ARKANSAS  
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY  
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March 24, 1978

Attached you will find copies of the minutes of the State Policy Advisory Committee and three of its subcommittees. A list of the subcommittee members is included before the subcommittee minutes.

The minutes will be sent to you periodically to let you know actions taken on 208 planning.

STATE POLICY ADVISORY COMMITTEE  
FOR SECTION 208 WATER QUALITY MANAGEMENT PLANNING

March 8, 1978

MINUTES

The State Policy Advisory Committee for Section 208 Water Quality Management Planning met Wednesday, March 8, 1978 at the Ramada Inn South in Little Rock.

Committee members present were W. Ed Cox, El Dorado; W. M. Rodman, El Dorado; Clyde Broyles, Malvern; Robert P. Lewis, Scott; James F. Gore, Bella Vista; Joe Nix, Arkadelphia; Bay Fitzhugh, Augusta; Jess Carpenter, Batesville; Rex S. Bayless, Cotter; Jack Justus, Little Rock; Fay Anderson, Lonoke; Robert Apple, Dardanelle; Jane Stern, Pine Bluff; Farrington Snipes (representing Jack Brawley), Marion; Everett Bowman, Little Rock; Emma Phillips (representing Judge Mauldin), DeQueen; Billy Free, Dumas; Bill Harbour, Little Rock; Thomas Foti, Little Rock; Herman Wilson (representing M. J. Spears), Little Rock; Dennis Gilliam, Jonesboro; Susan Greenwood (representing Lois Imhoff), Hot Springs; James C. Summerlin, Little Rock; and L. Carl Yates, Fayetteville.

Committee members absent included Willard Whitaker, Madison; Sam Rose, Texarkana; Ray Sikes, Alleene; Bonnie Zook, Arkansas City; John Frazer, Warren; John Evans, Clinton; Eddie Powell, North Little Rock; James Hoggard, Conway; Byron Morse, Little Rock; Glenn Thames, Fort Smith; Paul Autrey, Mena; Railey Steele, Bentonville; Malvin Brand, Perryville; Don Grimes, Fayetteville; Jack Hoyt, Arkadelphia; Don Allen, Little Rock; Loren Heiple, Fayetteville; Don Manes, North Little Rock; Joyce Ferguson, West Memphis and Charles Whorton, Huntsville.

Guests included Jim Agee, EPA-Denver; Kenton Kirkpatrick, Bill Black, Rosemary Henderson, and Ben Longoria, EPA-Dallas; Randy Young and John Saxton, Soil & Water Conservation Commission; Bill Pollard, Ark. Rural Water Association; Timmon King, Arkansas Farm Bureau; Denev Jackett, Stuttgart; Ray Schmeller, WCAPDD; L.E. Barber, CAPDD; W.K. Goddard, Russellville; Arthur Fokakis, Ark-Tex Council of Governments; Jeff Sell, SARPC; Donald R. Raley and Rick Hale, NWAEDD; Barbara O'Gwynn, League of Women Voters, and Diane Lyons, Little Rock.

ADPC&E staff present were H.G. Hannah, Bob Blanz, Everett Perrien, W.D. Brainard, Wesley Ross, Roger Morris, Rue L. Boswell, Margaret Pugh, Johnny Bowen, Doug Szenher, Cynthia Chambers, and Cathy Fullbright.

Chairman Free called the meeting to order at 10:00 a.m.

Yates moved that the minutes of the previous meeting be approved.

Broyles seconded the motion.

The minutes were approved unanimously.

Free asked if there were any questions about the budget report which had been mailed to members prior to the meeting.

Gilliam stated that the members needed to get the information sooner.

Free apologized for the delay, adding that Chambers would see that in the future the information would be mailed sooner.

Free introduced Bill Black.

Black stated that recently Jarrell Southall, the DPC&E director, had asked EPA to look at the 208 program to determine its current status and to suggest mid-course corrections necessary to improve the program. The initial plan was previously scheduled to be completed by November, 1978. This deadline has become a tight time frame. One of the provisions of the new Act (Clean Water Act of 1977--PL 95-217) is to extend any grant which was made after June 30, 1975 to three years after the approval of the grant. This extension could apply to the Department's program. The Department has indicated it would like to be considered for the extension. Therefore, EPA is looking at a new schedule to extend the project to May 28, 1979. The plan will be scheduled to be completed by January 30, 1979. The period between January and May will provide enough time to have the plan printed and to have additional public participation activities about the plan before it is submitted in May. Black stated that Jim Agee would speak about the Clean Water Act of 1977 (the new amendments to the Federal Water Pollution Control Act) later.

Perrien gave a brief report on Task 103. He stated that the University of Arkansas would complete its contract in May.

Karen Cooke gave a report on Population and Economic Projections (copies have been mailed to members). Cooke brought the Committee up to date on the extension of the contract between DPC&E and DLS. The contract will now run until July, 1978.

John Saxton presented a report on the contract with S&WCC for nonpoint source assessment. (Additional copies of this report have been mailed to members.)

Chambers reported on public participation activities. She asked the committee members to let her know if they have not been getting the materials mailed to them. She highlighted the public participation from the milestone report. Chambers reported that she had received some of the surveys that were given to the committee at the last meeting. The surveys showed that the general concepts of problems were: importance put on nonpoint assessment, educating the public, lack of adequate funding for sewage treatment plants, needed political support base for the program, etc. The ways to accomplish these goals were: conservation methods to prevent pollution at the source, educational programs to show the people the problems and potential solutions which can be applied on a voluntary basis, reevaluation of a priority list system and additional funding for sewage treatment plants, and programs to maintain political support on a local level. The returned surveys strongly indicated that the 208 program must address the problem of water quality in Arkansas.

The surveyed SPAC members indicated that they should stay informed especially on the water quality problems in their areas. Members felt they should attend meetings, participate more freely in the discussion, give the staff the benefit of their expertise, and help educate the public.

On how the 208 staff could make the program more effective, the surveys showed a need for more frequent meetings, summaries and reports mailed in advance of meetings, well prepared agenda, information written in layman's terms, etc.

In conclusion, Chambers stated that those surveyed indicated that SPAC needed to become involved to a greater extent.

Free introduced Jim Agee (speech attached).

SPEECH GIVEN BY  
JIM AGEE  
Before the  
STATE POLICY ADVISORY COMMITTEE  
March 8, 1978

Pollution abatement is not free: It costs money. It has cost money in the past and it will cost money in the future. As we embark on a major effort of controlling nonpoint sources across the country, I think that we all have to be aware that it is going to cost us money. The source of that money will be important. The money may come from the federal government, state and local government, and some from the private sector.

There seems to be a lot of confusion as to what 208 is. In my judgment, 208 is 75 percent political and 25 percent technical. Any amount of planning that has been done, never comes to cohesion until positive affirmative action has been taken by elected officials whether by the chief state executive or the legislature or the county commissioner or in the city hall. But until we get legislative support and support by elected officials, we are not really going to get on with controlling pollution. I think the center of 208 is environmental policy decisions by elected officials. Again, when elected officials act we will have some viable programs to start abating and preventing pollution in the future. Let me go back in history and bring you up to date on water pollution.

In 1965 Congress made a fundamental amendment to the water pollution control act that turned the whole water pollution control program in this country around. The 1965 legislation provided for the adoption of water quality standards in all interstate and coastal waters.

The federal agency's (Department of Interior) ground rules were that states across the country should adopt their own water quality standards with interstate waters and submit them to the federal government for review and approval. If the federal government liked them, it would approve and the standards would become the law of the land. If they didn't like them, they could then come in and adopt water quality standards for the interstate waters. I mention that because it was the first time we had a national effort to get water quality standards. But also it was a very significant preemption by the federal government of what had been fundamentally states' rights to water pollution control. Now we went from 1965 to 1972. That was about the period of time when we had great environmental concern around the country—enthusiasm. Congress passed the water pollution control act of 1972 which was a very, very, controversial piece of legislation. It provided for effluent limitation permitting by the federal government where the federal government could come in, did come in, and is still coming in to many states—your state included—writing waste discharge permits for municipalities and industry. Before, that had fundamentally been a state responsibility. But it was very controversial and provided for very significant enforcement procedures by the federal government and they are exercising some of those today.

The water pollution control act is really very mysterious. It is difficult to understand, but some of that philosophy in that act hasn't changed since 1965, when we first had water quality standards. Two guidelines that we in the Department of Interior then wrote for water quality standards included: 1) no water quality standards would be adopted that was less than existing water quality. In many of the upper reaches of many of our streams we couldn't have any activity at all without

putting something in the water. That was the forerunner of the antidegradation policy. 2) The second very important ground rule then was guideline number eight, which said in a sense that any waste discharge that was amenable to treatment or control shall be treated or controlled whether or not water quality requires that to be a treatment. It meant the small towns along the Mississippi River had to treat their waste even though that amount of waste didn't impact the quality of that large stream at all.

That same philosophy was translated into the amendments of 1972 when it said that all point sources from municipal and industrial activities shall have a waste discharge permit and they shall comply with the effluent limitations established by the Environmental Protection Agency. Also in that amendment of 1972 there was provided for the establishment of nonpoint source control programs. Basically, to support that program we have Section 208. I ask you to look at Section 208 as nothing more than a pot full of federal money: It's a big sack of money. Today, we have something like \$225 million out in the planning effort. The water pollution control act deals with the scope of Section 208. However, if you read it literally, it includes the total water pollution control act. It's not limited to nonpoint source control water. Across the country and particularly at the statewide efforts in Section 208 it is dealing fundamentally with nonpoint source control. That's not unreasonable, primarily because we generally in this country have the point source controls fairly well in hand. I'm not saying that we have all the sewage treatment plants built for municipalities and industries, but we've got that program going. The notion is there, the regulatory basis for that program is there and all we need now to get to the end of the road is money. The Congress has appropriated additional construction grant money just about two weeks ago.

The president signed that appropriation bill just yesterday. So we are assured of that point source program going on. In the nonpoint source area that we are dealing with across the country, various states are dealing with different types of nonpoint source problems. They are dealing with dry land agriculture, forest management practices, mining and urban runoff, with subsurface sewage disposal, irrigated agriculture, whatever that particular state's major problems are. We are starting to see some of the fundamental issues and needs for 208 management programs come about. First, in the nonpoint source area, the federal government has little regulatory authority today. EPA cannot develop rules and regulations as to how you harvest timber or how you may build roads or the best management practices. Congress left these responsibilities to state and local governments; using 208 funds to develop those kinds of programs and tailor-made solutions to satisfy your state and local needs. The review of those programs and those 208 plans will have to be done by the Environmental Protection Agency. The Arkansas plans and programs will go to EPA's regional headquarters in Dallas and they will approve, conditionally approve or disapprove your particular program. They will disapprove it if, in their judgement, nothing meaningful is going to happen and your're not going to come to grips with improving the land management practices and improving water quality. In such case, they have no choice but to turn it down. Some of the fundamental issues that are coming about and have to be sorted out in statewide 208 planning include:

- 1) are we going to have in that particular state a preventive program to deal with new activities to keep things from getting worse? Does the needs of that state require that we go back beyond the preventive program to a rehabilitative program—to go back and provide for the redress of some of the past activities that's giving us water pollution problems today?

It is the philosophical point that needs to be addressed. Some of the states today are working on erosion control from new construction in the generally urban areas. New construction includes subdivisions, industrial site development and highways. Erosion control plans for these areas include drainage plans to retard sediment. Other states are dealing now with very viable programs and regulatory programs in nature for silvicultural activities. Oregon, Washington and California have existing state forestry practices acts which are designed to deal with forest management practices, timber harvesting practices, constructing roads in forested areas—these kinds of things and rehabilitative practices after the log show is completed. In those states, timber harvesting is very, very important—a big source of pollution. In other states, timber harvesting is not that large a pollution problem and thus it can be put or ranked in the statewide 208 planning. Maybe a voluntary program is satisfactory. 2) A second issue deals with whether your programs for nonpoint source control are indeed going to be regulatory or are they going to be voluntary in nature. Again, it is a philosophical issue that needs to be sorted out and needs to be dealt with in the development of your statewide water quality management plan.

As you deal with agricultural pollution or mining pollution or silvicultural activities, are you going to have a voluntary program or a regulatory program? This is going to be very difficult for our regional offices to state definitely today whether they will approve a voluntary program. Most states want to have a voluntary program, particularly in the agricultural areas. The whole agricultural community is very strongly resisting the regulatory programs. But if agricultural pollution is a significant source of pollution in a state or a geographical area within a state, then the question needs to be thought out very, very seriously. Can we, working in this program, assure the general public that this

voluntary program is going to be satisfactory and can we get sufficient improvement in the practices to prevent water pollution or to rehabilitate these waters to provide new beneficial uses of water? These are very serious kinds of questions we have to deal with. Most of our states are providing some kind of a regulatory program. Some states give a management agency regulatory authority over a landowner who doesn't comply with the best management practices. The agency can take legal action against a landowner in such state. That's one option. Another option is local agencies working on this—like conservation districts which do not have regulatory authority but have back up authority, generally, in their fundamental water pollution control act. A state department of environmental quality or water pollution control agency can have a back up regulatory program. Another option is that in some states they are seriously considering no regulatory programs at all—completely voluntary.

I'm not here today to say that EPA will insist on a regulatory program at all. First, it is not my responsibility. It is our regional offices' responsibility. The first responsibility rests with the people of the advisory committees and the people working on the development of water quality management programs in that particular state. But I think they will have to address those kinds of issues. Another issue is, what is it going to cost to have and implement these kinds of programs? Unless implemented, the plan itself isn't worth anything to anybody. We are not seeing too many plans at this point where they have come up with financing plans. Are we going to have, in a state dealing with agriculture, a state cost-sharing program? Some states have state cost-sharing programs for erosion control and they provide matching money appropriated by the state legislature to assist the landowner so that he can build terraces, grass

waterways or other kinds of preventative practices on his land and keep that soil on the land and keep it out of the water. This is an option for a state plan to deal with. Some states are not even considering that today. They are banking wholly on the availability of federal money to cost-share to landowners to accomplish this. That's one phase of the cost. Another phase of the cost is that to make most programs work and be viable, there needs to be technical assistance provided. One example would be additional people in conservation districts to provide technical assistance to the farming community on developing farm plans and preventative practices that they need to have. The kind of technical assistance that we need in some states is more sanitarians in the health departments to deal with subsurface sewage disposal so we can get on with that particular program. In some states where a significant effort is underway to prevent any new construction, we need additional people in the building department who can work with the construction of new industrial sites to see that we get erosion control plans developed. We have to address in a viable state plan, who's going to pay the salaries of those kinds of individuals? I think a good state plan has to deal with that element of water quality management. The plan without dollars to make it work is not a plan. It's not a plan that has a high likelihood of being implemented. These are the kinds of questions that are being thought about and discussed all across the country in statewide and even local 208 planning efforts. One of our problems we have in the 208 program is the uncertainty of continued funding in the 208 exercise. I mentioned that we have some \$225 million out working today, both at the state and local level. We have a solid agreement with the Office of Management

and Budget (OMB) that we will have continued funding. The Office of the President will not have objections to continued funding for 208 for the next five years. We have not had problems within the Congress for funding for this particular program. So it gives us some degree of assurance that we can be in this business of planning for some time. At the outset, we were told that we had better come up with a management system that makes the process work and gets results at the other end. We were told by OMB to come up with a management system that will stop the flow of money into a state planning effort or a local planning effort if these efforts are not producing results.

I think we will see that system implemented within the next six months. That is, if states and local planning agencies are not meeting their milestones, not producing results, not having the elected officials vote on these kind of things, we will see termination of those particular grants. That was the first ground rule they gave us. The second ground rule they gave us was to start dealing with the priority problems across the nation and in localities. We were instructed to deal with priority pollution control problems that are real problems and need attending to. The national priorities that we've cleared with OMB are that all 208 monies may be used for facilities planning. The reason that pretreatment has a very high priority is because of the national emphasis on toxics. Not only toxics that go from industrial plants that discharge into municipal sewers, but also the use of toxics in economic poisons of one kind or another. The use of herbicides and pesticides and other kinds of economic poisons are soil amendments that we might use. This is a very high priority not only through the amendments to the water pollution control act but also the way EPA is going to administer the program. The third priority is

that each of our regions across the country (we have 10 of them) are going to be required to spend 208 money for the development of one major urban runoff program. We want to get some real wide information and start understanding the urban runoff problem and the solutions in this country before we embark on a full-blown national program. What our priority involves is non-structural solutions. These could be non-capital intensive kinds of measures such as sweeping up the streets, cleaning up the manholes and the gutters and other kinds of physical removal. We may provide for detention of rinse from a heavy rain or something like that. We want to divert very toxic material off and impound it and treat it in some way. We are looking for these kinds of solutions. The last priority is in the agricultural area. The principal reason that we've given that a priority is that, as some may know, the amendments to the water pollution control act which Congress endorsed or adopted contained Senator Culver's amendment providing for agricultural cost-sharing by the federal government. Culver's amendment provides for \$200 million dollars in Fiscal '79 and \$400 million in Fiscal '80 to the Department of Agriculture (not EPA) to essentially provide matching money to landowners for erosion control for water pollution control benefits. I emphasize for water pollution control benefits. These monies are different than the traditional ACP monies which have fundamentally been administered by the ASCS and the Department of Agriculture. They are for different kinds of purposes; the Culver money is for water pollution control. One of the immediate challenges that we have in all statewide 208 programs is to institute a delivery system within your state plan to use that Culver cost-sharing money. That money will leave Washington, D.C., and probably will land on the desk of the state conservationist in Little Rock. The question to address

and the roadmap that you folks need to deal with is, how does that money leave the Department of Agriculture in Little Rock and get down to that particular piece of ground in your priority geographic areas? Which state department is going to take that money from the state conservationist and make the decision on where that money is going to go and who's going to manage that money and be the steward of those funds in the state of Arkansas? Some of the issues that are starting to emerge in the states now that need clarification concern the relationship and the role of the State Soil and Water Conservation Commission as against the role of the state water pollution control agency. What is their relationship? Is the State Soil & Water Conservation Commission going to be responsible to mind and monitor and provide the stewardship of that money in that particular state or will the state water pollution control agency provide the stewardship? Who makes the decision as to where that money is going to go? Some of the needs are to first sort out the relationship of the state departments or state commissions; their relationships to one another in the role and who has the hammer on the program. Secondly, we need the local designated management agencies and that is inherent in section 208. The local management agency for agriculture pollution generally appears to me across the country to be Soil and Water Conservation Districts. Some states are looking at other alternatives. They are also looking at counties as the management agencies. Some states have enthusiasm for counties because they have fund generating authority. If they have fund generating authority, then they have a better chance to raise the funds to pay the salaries of people working on that particular program. One thing that the Culver Amendment does say is that the conservation districts shall approve the best management

practices to be used in that district. It makes it very awkward for us to have any other local unit of government outside of the conservation districts to be designated management agencies. I'm not saying that you must have conservation districts as the designated management agencies. That program money has some very interesting features that can make the program very useful to states as they do their homework and approach it. Part of that money can be used by the Soil Conservation Service for the management of that particular program, to provide technical assistance to the landowner on developing a farm plan, long term agreements with that landowner, and design how that cost-sharing money is going to be used on that particular piece of ground. Also, SCS does have the authority, by legislation, to contract with the state or local agency to manage that particular program. In other words, the Soil Conservation Service can contract with the Soil and Water Conservation Commission or they can contract with your department of environmental quality or a local agency to manage that money. It gives us some flexibility as to how those funds indeed could be used. I think it's a real challenge to us to get to make these kinds of decisions and design a delivery system in your particular state to use those monies in the most effective way. This cost-sharing program is the only place, outside the clean lakes and construction grant programs, where federal money is available for implementation. One of the things that I am concerned about with the cost-sharing money is that for years since the mid-1930's, we've had erosion control activities going on in this country. In some states, they have been very, very aggressive and very good; in other states and some conservation districts, little or nothing has happened. But we have had very significant voluntary programs going

on with technical assistance basically provided by the Soil Conservation Service. What I would hate to see happen is that just because there is federal cost-sharing money coming, that we stop those voluntary programs from occurring. In other words, the voluntary programs should continue to go on. More often than not, those voluntary practices that landowners institute for erosion control are in his own best interest anyhow. You keep the soil on the land—you keep the land in productivity. I think that's how we are starting to sell the erosion control and water pollution control programs—to sell that kind of activity on the dual benefits that accrue. First, we have the benefits by keeping the soil on the land and keeping the land in productivity—a soil resource or conservation if you will. Secondly, we get the benefit of keeping that soil out of the water and not violating the water quality standards or interfering with beneficial uses. I think it should be very appealing to the general public and also to our elected officials when we can show them that we are getting dual benefits for those monies.

Some of the other amendments of the water pollution control act:

First, Congress did put additional emphasis on toxics. They took away some of the cumbersome procedures that EPA had to go through to get on with toxics. They required us to really get serious about controlling toxics in this country. They relaxed the Federal Water Pollution Control Act in a least one area. Before the amendment, it was a requirement that we have a minimum of secondary treatment for all municipalities across the country, whether they needed it or not. The Congress did relax the secondary standard to provide for less than secondary treatment or discharge to coastal waters. For example, Anchorage, Alaska will not be required to go to secondary treatment if the city can demonstrate that

they are not doing any damage to the water and that they have control on all the toxic discharges into their sewer system. In other words, a very meaningful pretreatment program. The burden of proof for these exemptions are going to be very, very rigid and very strictly enforced by the Environmental Protection Agency. We are not going to make it easy for cities not to go to secondary treatment. But at the same time, where we are really satisfied that it's not going to damage the water quality, we have that relaxation. We did not have a similar relaxation for industrial discharges into the same bodies of water.

The present funding that we have for 208 in this fiscal year is \$69 million. The president signed that appropriation bill just yesterday. Those monies will leave our Washington office and will be given to our regional office probably by the end of this month. Any time after that, those monies can be provided to state and local planning agencies for the continuation of 208 activities. One ground rule will be that if you go to an extension in your state, none of that new 208 money will go to fund that activity. Those are new funds for new activities—new priority activities. We have some flexibility in the use of the new money. We can use it for up to three years now. I would encourage you folks in the planning effort to look very, very seriously as to whether you want those monies to be spent over two or three years. If I have a bias, it's probably for a longer period of time. I think our experience in the first round was that we had too much money to spend in too short a time. I'm not suggesting that we don't have very early interim kinds of products to deal with. I think we do need to have early products that can be accomplished. One of the things that I would encourage you and all our

regional offices to do: Get very, very serious about the political nature of what we are trying to do—my initial statement. The 208 management program development is 75 percent political. I think the greatest day in the life of a statewide 208 is the day that plan is presented to the elected official—the people that can say yes, I adopt this plan and its going to go or they reject it. But the day that plan is delivered to elected officials is the day that I think that we have to look to and gear our activities to. Getting the elected officials to deal with some of the fundamental issues: Who pays the bill? Regulatory? Nonregulatory? Who's going to be the management agency? These kind of things are very important. I don't think we can expect elected officials to deal with them with a one hour briefing. I think it's going to take several months probably to get the elected officials on board and understand the issues. I think that is where public involvement comes in. It's been my observation that before any elected official will vote for new programs, new taxes, new regulatory activities, that individual is going to have to know that there is public support out there for these kind of activities. I think that's where public support-public participation activities are very meaningful. I think we need to have the mayor of these communities know that his constituents are going to support an urban runoff program if he starts to implement one. He can't implement one if public support is in doubt and they don't really see the need for the program.

Free thanked Agee and asked if there were any questions.

Bayless asked if waste discharge permits, which are required now, will be required after the state plan is adopted.

Agee replied that they would. In this state, particularly, the federal government today as in probably half the states across the country is still writing waste discharge permits. Some of the states have accepted a delegation of authority, and Arkansas can get this authority from EPA-Dallas. However, the Arkansas 208 plan does not deal with the delegation of authority on federal permits.

Justus asked if in Agee's statement about elected officials he was including the state legislators and if there was a procedure to include approval by the legislature.

Agee replied that depends on the state statutes. Public Law 92-500 doesn't say that the legislature has to do anything. The fundamental responsibility at the state level rests with the governor. If the governor wants to get the advice of the legislature, he can. The EPA is ready to give interim approval to a plan that might call for legislative action.

Nix asked what happens if we fail in our plan.

Agee replied that the ball comes back to EPA. In nonpoint source control, EPA has little or no regulatory authority. The Congress left that control with the state and local governments. If the voluntary programs are not successful, Congress may develop federal programs dealing with nonpoint problems. The policy set by Congress on nonpoint says that the emphasis should not be placed on water quality but on best management practices. This policy is based on the problem of finding a direct cause and effect relationship between a change from practices which contribute to nonpoint pollution and an improvement in water quality.

Gore asked how the additional money could be used.

Agee replied that it will not be used to complete the 208 program because of the present grant contract with the federal government. When the plan is completed the new funds might be used to further develop and implement the agricultural cost-sharing program. The plan has to be completed with existing funds. The money could be spent to set benchmarks in 1970, 1975, 1978, etc. so that in 1985 or 1990 when considerable money has been spent we can show some improvement from the earlier dates.

Gilliam asked if Agee thought that better integration of conservation programs under the employment bill—where massive amounts of money are being spent—would result in better quality of management practices. Gilliam pointed out the \$4 billion youth conservation project sponsored by the president.

Agee replied that we have seen some conservation districts hiring people through the use of CETA (Comprehensive Employment & Training Act) money. We will see more of that procedure. They are compatible activities. Agee added that we needed to concentrate money in one priority area of the state so that we could see some accomplishment.

Gore asked how the pretreatment money is going to be used.

Agee briefly explained pretreatment processes. He added that processes would be financed through Step 1 planning of the construction grant program. The cost of monitoring the processes must also be considered and figured into the plan.

Gore asked about the cost sharing program involving individual farmers. He asked if the cost-sharing would involve pretreatment.

Agee replied that cost-sharing is limited to agricultural activities. Some of the types of functions to be funded will support the landowner in the construction of a terrace, a grassed waterway, or a retention facility.

Ross asked which of the best management practices the conservation districts are going to have to approve.

Agee replied that the ones which will be subject to cost-sharing money will have to be approved.

Ross asked how this procedure would affect silviculture.

Agee replied that whether or not the agricultural cost-sharing money will be applicable for silvicultural practices is not known. The secretary of agriculture is going to have to deal with that question. Small woodland operators will probably be eligible for cost-sharing money. The funded program might affect the way logging is done on his woodlots.

Bowen asked if the additional \$69 million for 208 planning will be used for silvicultural nonpoint sources.

Agee replied that 208 money cannot be used for implementation. The money can be used for support personnel in a conservation district who will develop farm plans and work with the county road department in developing preventative practices as they construct and maintain the county road system. There is a fine line for expenditure of 208 money.

Gore asked why industry was left out of the cost-sharing.

Agee replied that Congress has not provided for direct financial assistance to industry as part of the cost of pollution abatement program. The federal government has provided for tax write off's for pollution abatement equipment.

Free announced that the subcommittees would meet for a brief time and then the subcommittee chairmen would give reports to the full committee.

Fitzhugh informed the SPAC that the Agricultural Subcommittee met March 1. The session was primarily educational and no formal action was taken. The two most critical questions—apart from whether the program will be voluntary or regulatory—will be: (1) The criteria where the cost-sharing funds might be spent, and (2) The selection of a management agency(s) to administer the cost-sharing program.

Fitzhugh stated that the Subcommittee had asked the 208 staff to prepare an option paper to set forth some of the critical decisions that the Subcommittee is going to have to make in terms of recommendations. The Agricultural Subcommittee will meet before the next full Committee meeting.

Susan Greenwood (representing Lois Imhoff) reported on the Construction/Urban Runoff Subcommittee. Greenwood stated that Bob Blanz will work with the Subcommittee. The next meeting of the Subcommittee will be March 29. A representative of Metroplan will be asked to speak at the meeting. Each member of the Subcommittee will develop some policy guidelines before the March 29 meeting. These suggestions will help the Subcommittee have a head start on establishing the guidelines at the meeting. Greenwood briefly explained the grant that has been received by the League of Women Voters to encourage public participation in 208.

Clyde Broyles gave a report on the Mining Subcommittee meeting of March 6. Broyles stated that the Subcommittee is attempting to obtain an understanding of what it is to accomplish as a subcommittee. The scope of its work will be important in assisting the staff in developing best management practices on mining. Mining in Arkansas will have less impact on water quality because mining takes place on a small number of acres in the state. The Subcommittee set a tentative date for its meeting on April 26, possibly to be held in Hot Springs.

Bill Harbour gave a report on the Silviculture Subcommittee meeting of February 16. Harbour stated that DPC&E had submitted a draft of BMP's to control pollution resulting from silvicultural activities and a summary of that draft. Guests at that meeting included members of the forestry industry and the Arkansas Forestry Commission. The next meeting will be held the first part of May and, in the interim, members will continue to review the BMP document and will prepare input for the next meeting.

Free suggested that the Committee vote on when the next meeting will be held.

Yates moved that the full Committee meet May 10.

Bowman seconded the motion.

The motion was passed unanimously.

Saxton stated that he wanted to comment on Fitzhugh's question concerning a citizen procuring programs for his area. Saxton said that he wanted these problems to be reflected in the nonpoint source assessment being done by the conservation districts. He added that the Soil and Water Conservation Commission handled the flood plain regulations.

Gilliam moved that the staff prepare a letter to the governor asking him to recognize the conservation districts and any other agency which might be involved in management planning as a special project.

Bowman seconded the motion.

The motion was passed unanimously.

Chambers stated that recently the staff had discovered that the Bylaws contained some typographical errors and had them retyped. She added that the SPAC could vote on the corrected bylaws if it so wished.

Free asked the wishes of the Committee concerning the bylaws.

Cox moved that the Committee accept the bylaws with the typos corrected.

Bayless seconded the motion.

The motion was passed unanimously.

Yates moved that the Committee adjourn.

Fitzhugh seconded the motion.

The motion was passed unanimously.

The meeting adjourned at 12:40 p.m.

## SPAC SUBCOMMITTEES

### AGRICULTURE:

1. Judge Bonnie Zook
2. Bay Fitzhugh \*
3. Jack Justus \*
4. Fay Anderson
5. Don Allen
6. Robert P. Lewis
7. Robert Apple
8. M. J. "Whitey" Spears
9. Mayor Rex Bayless
10. Judge Jack Brawley

### SILVICULTURE:

1. Mayor John Frazer, Jr.
2. Judge B. A. Mauldin
3. Bill Harbour \*
4. Dr. Joe Nix
5. Judge Melvin Brand
6. Mayor Paul Autrey
7. Everett Bowman
8. Judge Charles Whorton, Jr.
9. Ray Sikes

### MINING (Subsurface Resource Removal)

1. Mayor William Rodmon
2. Ed Cox
3. Judge Jess Carpenter
4. Judge Sam Rose
5. Jack Hoyt
6. Clyde Broyles \*
7. Judge Glenn Thames
8. Thomas Foti
9. Dean Loren Heiple

### CONSTRUCTION--URBAN RUNOFF:

1. Judge Dennis Gilliam
2. Mayor Willard Whitaker
3. Jane Stern
4. Mayor John Evans
5. Mayor Eddie Powell
6. Mayor James Hoggard
7. Byron Morse
8. Judge Railey Steele
9. Don Grimes
10. James F. Gore
11. Lois Imhoff \*
12. L. Carl Yates
13. Don Manes
14. Jim Summerlin
15. Mayor Joyce Ferguson

M I N U T E S

March 6, 1978

The SPAC Mining Subcommittee met at 1:30 p.m. Clyde Broyles, chairman of the Subcommittee asked each person present to introduce himself.

Subcommittee members present: W. Ed Cox (also representing Mayor Rodman), El Dorado; Gary Bridgman, representing Jess Carpenter, Batesville.

Guests present: George Beaman, Pollution Control Commission, Little Rock; Billy G. McNish, ALCOA, Bauxite; John A. Moritz, ALCOA, Bauxite; H. Tyndall Dickenson, McGeorge Constructing Co., Inc., Sweet Home; Norman F. Williams, Pollution Control Commission, Little Rock; Diane Lyons, Governor's Office, Little Rock.

DPC&E staff present: Jarrell Southall, Everett Perrien, Trusten H. Holder, Rue L. Boswell, Hugh Hannah, Cynthia Chambers, and Cathy Fullbright.

Broyles explained that the 208 planning process was developing a plan to establish controls for nonpoint sources of pollution. The particular purpose of this Subcommittee is to deal with pollution resulting from mining operations. The three other subcommittees of SPAC deal with agriculture, construction/urban runoff, and silviculture.

The responsibility of the Subcommittee is to assist the Department staff in development of the plan and to make suggestions on planning reports and to review the portion in the plan on mining. Broyles ask Perrien to bring the Subcommittee up to date on the staff's activities.

Perrien stated that his staff has prepared an outline of the BMP's to control pollution resulting from mining activities. He briefly explained the silviculture BMP's developed by the staff. This document has been submitted to the Silviculture Subcommittee. Perrien added that the Clean Water Act provides the Department with some additional time.

Broyles ask Southall if he had any comments.

Southall stated that the law does provide some additional time assuming that the court goes along with the Congress. Southall added that EPA personnel had been invited to come to Little Rock to make midcourse corrections, which they have done. The staff is now awaiting their recommendations. An important point is that EPA is not necessarily wanting to approve the plan as a whole--submittal of portions of the plan and approval of those portions. Recent amendments give more flexibility to the states. At this time nonpoint source controls are

the voluntary aspects of the 208 plan. If a voluntary source program is clearly identified as being unsuccessful, then we understand the EPA will call for a regulatory program. There are existing regulations on mining. BMP's for mining will be used as educational tools to provide incentives to comply voluntarily.

Broyles asked Southall if the Subcommittee's responsibility is primarily consultation with DPC&E staff and review of the practices and plans that will be developed.

Southall replied that the answer to the question is basically up to the Subcommittee. He added that the staff would submit to the Subcommittee as much information as possible as it is developed and the Subcommittee could review it. The relationship between the Subcommittee and the staff will be decided by the Subcommittee.

Broyles stated that this subject would be discussed further at the next Subcommittee meeting.

Broyles asked Chambers to explain the public participation activities.

Chambers explained that the first phase of public participation was to create an awareness. The public participation program is being reevaluated as the planning staff is reevaluating the planning tasks. Additional time will allow public participation to have workshops and address specific publics in phase two. Summaries for SPAC on technical reports will be developed so that these reports will be more easily understood.

Broyles stated that in order to get into prospective he would like for Trut Holder to explain what is involved in mining in the State of Arkansas.

Holder presented the draft outline for the Mining BMP's. He read the introduction he has prepared for the document. Holder also presented a section of the Federal Register, Surface Mining and Enforcement Provisions, and the Surface Mining Control and Reclamation Act (PL 95-87). In addition, he presented a report from Bill Bush on past and present mining in Arkansas.

Broyles asked the number of acres mined in the state now.

Holder replied that approximate 4,500 acres are mined in the state.

Cox asked if the Act would affect the price of coal.

Holder stated that the main purpose of the act is to protect the environment. There are provisions to protect the small operator.

Broyles asked Holder if the Act is extremely restrictive and protective of the environment, according to his study of the document.

Holder replied yes.

Broyles asked if the Act included lignite and coal.

Holder replied yes.

Broyles stated that it appears that as far as 208 planning is concerned we don't have the extensive planning in mining as we have in silviculture, agriculture, etc.

Holder agreed.

Beaman asked about the relationship and functions of the subcommittees.

Broyles stated that the Department is charged with the responsibility to develop the 208 plan and the subcommittee should assist in any way they can in the form of constructive criticism during the planning process.

Chambers added that the State Policy Advisory Committee is a public participation function of the planning process. Public participation is required by EPA to get public input on all technical information that is developed and the plan as it progresses. The subcommittees will review the technical information and the alternatives. The subcommittees will make recommendations to the full committee as to whether or not they wish to accept the reports that are submitted by the staff. The committee's recommendations will then go to the governor.

Beaman ask how the Commission related to the SPAC.

Southall stated that the Commission guides the Department as it is developing the plan and the Department is also guided by EPA and SPAC. Hopefully, by fall the Department will have something on paper for the Commission and the SPAC to review and make recommendations on for the final draft.

Beaman stated that he was not as familiar with the Committee as he should be but he gave assurance that he plans to be a help to the Committee.

Broyles stated that he felt the Subcommittee should get the expertise of the various segments of the mining industry. He ask Moritz, McNish, and Dickenson to stay after the meeting for a brief discussion.

The meeting adjourned at 3:45 p.m.

## MINUTES

## SILVICULTURAL SUBCOMMITTEE OF STATE POLICY ADVISORY COMMITTEE

1:00 p.m. February 16, 1978  
Board Room, Evans Student Center  
Ouachita Baptist University, Arkadelphia, Arkansas

A meeting of the Silvicultural Subcommittee of the State Policy Advisory Committee was held at the Board Room of Evans Student Center, Ouachita Baptist University, Arkadelphia, Arkansas, on February 16, 1978 beginning at 1:00 p.m. Those attending the meeting were Everett Bowman, Natural Heritage Commission; Mayor John Frazer, Jr., Warren; Dr. Joe Nix, Ouachita Baptist University; Mayor Billy Free, Dumas; Emma Phillips, Sevier County; B. G. Gresham, Arkansas Forestry Commission; Robert Rhodes and Ed Sheppard, Forest Practices Committee, Arkansas Forestry Association; Bill Harbour Arkansas Forestry Association; Warren Brainard, Everett Perrin, Cynthia Chambers, Department of Pollution Control and Ecology.

The meeting was called to order by acting Chairman Joe Nix. Nix announced that Bill Harbour was the new Executive Director of the Arkansas Forestry Association and that he would assume the duties of Chairman of the Subcommittee at the next meeting.

Cynthia Chambers, Information and Education Officer with the Department of Pollution Control and Ecology (PC&E) presented a slide program prepared by the Environmental Protection Agency (EPA) concerning the relationship of silvicultural activities to water quality and programs of voluntary best management practices. Chambers stated that PC&E was trying to obtain additional copies of the program for distribution to interested parties.

Southall agreed that such a document would be helpful to all the subcommittees and that the staff could work up a list.

Bill McMurry explained the Soil and Water Conservation Commission's role in the 208 plan was (through a contract with the Department) to subcontract with the Conservation Districts the tasks concerning assessment of nonpoint sources.

Bayless asked what an individual member could do if he felt that a particular problem was not being properly addressed. Specifically, should he contact the Department or the Subcommittee. He felt that it was the responsibility of the members to point out any problems.

Southall explained that it is the responsibility of the Subcommittee members to notify the Department if the member feels that a problem is not being properly addressed and to monitor the action taken on his concern. The chairman of any subcommittee should also be notified.

Justus asked if the persons to be affected by the plan would be kept informed.

Chambers explained that EPA requires the Department to have a public participation packet for each task in the workplan. This information has to be presented to the public and input must be solicited from the public.

Davis explained that the Conservation Districts would also be soliciting information directly from the public for their contract concerning nonpoint assessment.

The plan completion date was discussed. Southall pointed out that we are facing somewhat conflicting deadlines. They are conflicting because we need to take what time is allowed in order to have a good plan and we also need to complete the plan as soon as possible in order that Arkansas can get a fair share of the cost-sharing funds to be made available this year.

The priorities of the Subcommittee were stated as selecting best management practices to use in an educational program which will emphasize voluntary compliance and as setting priorities for the types of projects the state will designate for the federal cost-sharing funds under Section 208.

The members and guests were invited to stay after the meeting for a film and a slide/tape program on agriculture and nonpoint sources.

The meeting adjourned at 4:13 p.m.

Chambers asked if the committee had any suggestions concerning distribution of the program or suggestions concerning public education on silvicultural activities and water quality. Comments by Gresham, Sheppard, Bowman and Frazer indicated that the program as shown was more indicative of western conditions and forest practices and that the program would be more useful if the graphics and pictures reflected situations in Arkansas.

Copies of PC&E's draft "Best Management Practices To Control Pollution Resulting From Silvicultural Activities" and copies of a summary of the draft were distributed. It was decided to review the draft at the meeting with preliminary comments to be made by those present. Additional review and comments are to be done by committee members with input sought from other interested parties before the next Subcommittee meeting to be held around May 1, 1978. The Subcommittee report to SPAC on March 8, 1978 will reflect that the draft has been received by Subcommittee members and is undergoing review.

The meeting was then opened to general comment and discussion. Brainard stated that one of the difficulties in formulating BMP's for Arkansas was that accurate data concerning the effects of silvicultural practices on water quality is often insufficient or lacking. The BMP's as drafted depict research from other states and available documentation. Of major importance in considering the establishment of BMP's is the fact that the effect of forest practices upon water quality is a determination involving numerous variables requiring site specific application.

Gresham and Nix noted that harvesting techniques and other forest practices are not always conducted by professional

foresters, but oftentimes are conducted by local contractors. The adoption of voluntary BMP's should consider the local contractor and forest manager as well as the professional forester.

Perrin noted that in fulfilling the mandate of EPA for State 208 planning, that P.L. 92-500 afforded states three alternative approaches to meet the 208 requirements. One approach is instructional. This would inform EPA of the existing water related conditions in forested areas. This approach could potentially state that no other measures are needed at present to maintain the established water quality requirements. A second approach would be the adoption of State Voluntary BMP's. The third approach would be promulgation and adoption of regulatory measures to ensure maintenance of prescribed water quality.

Frazer stated that since the highest water quality conditions in the state are found in our forested areas, that any materials included in the State 208 Plan should reflect the high quality maintenance capability of timberlands and call for the continued establishment of our timber resource.

Appreciation was extended by those present to the Department of Pollution Control and Ecology for their efforts in supplying information and advice to the members of the Subcommittee.

The meeting was adjourned at 4:20 p.m. February 16, 1978.

# A State-wide Data System for Planning for Water Quality in Arkansas

By D. B. BEASLEY, T. A. DILLAHA, III, R. W. SKEITH, and W. R. DRAPER

**SECTION 208** of the Amendments to the Federal Water Pollution Control Act (Public Law 92-500) calls for the development of state- and area-wide water quality management programs. Under these programs, a designated agency (in Arkansas, the Department of Pollution Control and Ecology) will identify all sources of pollution within a state or region. Priorities, methods of control, and implementation procedures will be developed on a local basis for any areas identified as having pollution problems.

As a means of collecting, sorting, and disseminating the data necessary to make the crucial decisions concerning pollution in Arkansas, we initiated the data system detailed here. One interesting aspect of the system is that the data are to be available to any interested party, including governmental agencies, consulting firms, planners, and the general public.

Researchers in the agricultural engineering department are in charge of data collection. The information included in the state-wide data system comes from many existing sources, and no new data collection has been made. Information from federal, state, and local governments, as well as from commercial and private sources, is being included.

By far the most extensive collection of data is concerned with point-sources of pollution. Five types of inventory information are included. The various inventories were initiated under Section 303 (e) of P.L. 92-500 and include data from municipal, industrial, institutional, non-municipal domestic, and agricultural dischargers. In addition, data about state and NPDES (National Pollution Discharge Elimination System) permits, and the associated self-monitoring and compliance monitoring reports, are included.

Information detailing the ability of stream reaches to assimilate BOD (Bio-chemical Oxygen Demand) during the ten-year seven-day low flow is included. The U.S. Geological Survey did most of the computer modeling necessary to produce this information as part of the Section 303 (e) data collection program. An analysis of the assimilative capacity of various combinations of stream reaches can be obtained in either an upstream or downstream direction.

Synopsis-type data for both stream-flow statistics and water-quality information will be contained in two files. These files will be constructed using data from the AWRMIS (Arkansas Water Resources Management Information System) and STORET (USEPA's Storage and Retrieval) computer systems. Detailed information still will be gathered from the original AWRMIS and STORET files.

A listing of all sanitary landfills and dumps is contained in another data file. Included on each entry, in addition to location and name, are the name of the operator, the state permit number, and whether or not the site is active.

Although the data system ultimately will contain information detailing non-point source pollution (particularly sediment) on a state-wide basis, very few data of this type presently exist. Therefore, only the small amount of non-point source information that has been generated as part of designated studies in Pulaski, Saline, Jefferson, Crawford, Sebastian, and Miller counties will be included for the present.

Information on each of Arkansas' 75 counties is being obtained from the County Profiles produced by the Department of Local Services. These data include population estimates, statistics on municipal sewage and water systems, industrial levels, and some socio-economic information. These entries are not projections and can be used only for baseline comparisons.

Another data file will contain information that lists the agencies responsible for maintaining water quality in the various parts of Arkansas. Often more than one agency may be responsible for the same area. The data will include the responsible agency's name, address, jurisdiction, and area of responsibility.

Available data will list those areas that have planned facilities and their funding arrangements, when possible. These data include information on new or renovated water or wastewater treatment plants, sewage treatment plants, lagoons, and conveyance systems.

All the data files discussed are keyed to the stream segment in which they are located. Arkansas is divided into

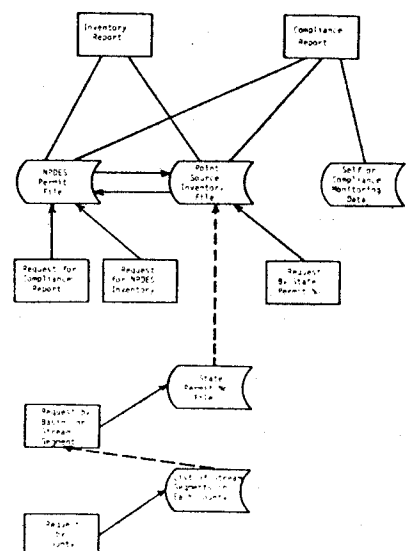
SIX major drainage basins, the Red, Ouachita, Arkansas, White, St. Francis, and Mississippi rivers. In turn, each drainage basin is divided into stream segments or sub-watersheds. There are 39 stream segments in the state.

Researchers in the industrial engineering department are designing and implementing a computerized data handling system. The accessing routines are set up so that a user can retrieve data with as much or as little detail as he wishes. The chart indicates some of the possible combinations for retrieving point-source inventory or permit information. As the figure indicates, all data contained in the files are cross-indexed, which allows for the inclusion or exclusion of any individual piece of information. Thus, when permit information is asked for, the inventory and monitoring data file indexes are also accessed and can be searched for specific entries.

Although the programming required to make this system function is tremendously complex, the user does not have to be a computer programmer to operate the system. A simple set of user commands will set into motion the complex, internal subroutines that search for and return the data in a particular format.

Updating the data system will be somewhat more complex than simple data retrieval. However, updating will be aided by other internal sub-programs that actually rebuild and re-index the files.

Dr. Beasley is assistant agricultural engineer, Mr. Dillaha is graduate student; Dr. Skeith and Mr. Draper are professor and instructor, respectively, in the Univ. of Arkansas Industrial Engineering Dept. This work was funded through the Water Resources Research Center.



Flow Diagram for Point-Source Inventory and Report System