



October 30, 2015

Mr. Doug Szenher
Arkansas Department of Environmental Quality
Public Outreach and Assistance Division
5301 Northshore Drive
North Little Rock, AR 72118.

Re: Proposed Rulemaking by the Cities of Harrison and Yellville for Crooked Creek

Dear Mr. Szenher:

In the Notice of Proposed Third-Party Rulemaking Public Hearing the Arkansas Pollution Control and Ecology Commission (APC&EC) invited the Public to comment on two specific questions. The first question regards rounding up of proposed new criteria to the nearest whole number for chloride and sulfate and to the nearest multiple of ten for total dissolved solids. The second question is whether proposed new criteria should correspond to the 99th percentile of relevant instream data.

Regarding the first question, the use of significant digits to the right of the decimal point suggests a higher degree of accuracy than typically exists in the analytical laboratory in our experience. We support the rounding up convention.

With respect to the second question, whether the proposed new criteria should be revised to correspond to the 99th percentile of relevant instream data, we support the use of the 99th percentile. Use of the 99th percentile remains protective of aquatic life and reduces the possibility of a stream returning to the 303(d) list following a study. The use of a 99th percentile basis for criteria development also means that an existing discharge has a greater likelihood of remaining in compliance with limits issued on the basis of site specific criteria.



Once such a criteria modification study for minerals is completed it makes no sense to re-list the stream on the 303(d) list, or subject the permittee to permit compliance issues for discharging the same wastewater as existed during the study. It defeats the purpose of conducting such studies in the first place.

Thank you for the opportunity to provide comments on this important Arkansas issue.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Ruffin".

Lankford Ruffin
Corporate Environmental Manager
Butterball, LLC

