



July 28, 2014

Via email: reg-comment@adeq.state.ar.us

Doug Szenher
POA Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

RE: ADEQ's Proposed Changes to Reg. 6 re CAFO General Permit Public Notice Requirements

Dear Mr. Szenher:

The following comments concerning the Arkansas Department of Environmental Quality's (ADEQ) proposal to amend Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 6 (hereinafter "Reg. 6") are submitted on behalf of the Beaver Water District (BWD). BWD is the largest of the four public drinking water utilities whose source of raw water is Beaver Lake and the second largest drinking water utility in Arkansas. BWD produces the drinking water for over 300,000 people and numerous businesses and industries in Northwest Arkansas.

BWD has long been an advocate for more effective public notification of ADEQ draft permits and of the permitting process under ADEQ general permits. We appreciate the steps that ADEQ has taken in recent years to improve the user-friendliness of the electronic notification options available with ADEQ's listserves. There remain, however, a number of circumstances where BWD believes that more particularized notice is warranted, particularly in relation to Notices of Intent (NOI) for general permits. ADEQ's proposal to amend Reg. 6 to include additional public notice requirements for NOIs for coverage under a Reg. 6 National Pollutant Discharge Elimination System (NPDES) General Permit for Concentrated Animal Feeding Operations (CAFOs) is a step in the right direction.

ADEQ's proposed changes to Reg. 6 will require that applicants for a CAFO general permit provide individualized notice to: (1) property owners adjacent to the CAFO production site and property owners adjacent to manure spreading sites; (2) the county judge of the county where the CAFO production site and any manure spreading site is located; (3) mayors of incorporated municipalities within ten miles of the CAFO production site; and (4) the superintendent of the school district that serves the CAFO production site. ***BWD respectfully requests that this list of entities that are to receive individualized notice pursuant to proposed Reg. 6.207(A) be expanded to include "public water suppliers with an intake on a stream, lake, or reservoir that is fifty (50) or less miles downstream of the proposed CAFO production unit and any of its manure spreading sites."*** The fifty mile distance is taken from ADEQ's NPDES Permit Application Form 1, Section D. Information in regard to water suppliers is provided at item number 4 of the Instructions for Form 1.

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Attached and incorporated by reference herein is the United States Environmental Protection Agency's (EPA) July 2013 "Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality." This Literature Review and its Executive Summary indicate potential issues of concern for drinking water suppliers in relation to CAFOs. BWD does not contend that all or even most CAFOs present a risk to downstream drinking water supplies. We do believe, however, that it is important that we receive specific notice of proposed CAFOs in the Beaver Lake watershed so that we do not miss the opportunity to evaluate and comment to ADEQ on any impact the proposed CAFO would pose to the water supply for one in seven Arkansans. We assume that other public water suppliers would similarly desire such notice in relation to their water supply lakes and reservoirs. It also would not be unduly burdensome for an applicant for coverage under the CAFO general permit to provide notice to applicable public drinking water suppliers (which are likely to be few, if any) via certified mail, return receipt requested.

Please note that there's an error in ADEQ's proposed change to the Reg. 6 Table of Contents (TOC). "Confined" should be "Concentrated" in the TOC listing for Reg. 6.207.

Thank you for your consideration of these comments.

Sincerely,



Colene Gaston
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Attachments:

EPA "Literature Review of Contaminants in Livestock and Poultry Manure and Implications for Water Quality" (July 2013)

cc via email:

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