

October 18, 2016

Kelly Robinson
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

Re: Proposed Revisions to APC&E Regulation 6

Dear Ms. Robinson,

In response to the September 3, 2016 Notice of Proposed Regulation Change regarding Regulation No 6, the following comments are respectfully submitted:

1. **Comment:** Any public comment submitted on the proposed changes to Regulation No.6 that is deemed by ADEQ staff as not applicable because it deals with another APC&EC Regulation or is deemed by ADEQ staff as not applicable to the scope of the proposed changes should be categorized and archived by ADEQ staff. Those archived comments should then be automatically submitted to the file record and responded to in an appropriate manner when the applicable APC&EC Regulation or scope of the Regulation is next opened for a revision.
2. **Reg.6.103**
Comment: The term “nondomestic wastewater” is proposed to be added in Reg.6.202; however, this term is not defined in the definitions section. For clarity and to reduce ambiguity in the Regulation, the term “nondomestic wastewater” needs to be defined.
3. **Reg.6.202(l)**
Comment: The proposed language is confusing and ambiguous, and needs to be improved upon or deleted. The proposed language states that Ten States Standards shall not apply to “nondomestic wastewater treatment plants”, but leaves it to the ADEQ Office of Water Quality as to what design standards will apply to such treatment plants. The definition for a “non-municipal domestic sewage treatment works” (pg 1-3) includes wastes that are not from human or household operations; i.e.: “...in whole or in part...”. It is common knowledge that most domestic wastewater treatment plants of any size contain, or have the potential to contain, nondomestic wastes. Examples include process, washdown, and food wastes from any number of commercial establishments. Will the proposed language mean that a domestic wastewater plant, whether municipal or nonmunicipal, not have to meet Ten States Standards if it treats a percentage, however large or small, of nondomestic wastewater?

4. Reg.6.301(D)(4)

Comment: Oppose the substitution of "geometric mean" for the arithmetical "average" in calculating compliance for effluent monthly fecal coliform. Monthly compliance based on geometric mean will allow for much higher levels of fecal coliform density in some samples. In wastewater effluent, the concentration of viable pathogenic organisms is directly proportional to fecal coliform levels. Therefore, the proposed change would allow for higher levels of viable pathogenic organisms in losing stream segments and in the groundwaters recharged by such segments. The proposed change would result in a degradation of surface waters in and downstream of losing stream segments receiving wastewater effluent, and in the groundwaters fed by those segments. It would also be an endangerment to public health for those utilizing those streams and groundwaters for drinking purposes or for body contact recreation.

5. Reg.6.401(A) and Reg.6.401(C)

Comment: Oppose the deletion of the text in paragraph (C): "Reservoirs/Domestic Water Supply"; and the apparent attempt for this language to be incorporated into paragraph (A) of Section 6.401. As proposed, paragraph (A) would only apply to "Reservoirs with Domestic Water Supply Use". There are numerous streams in the state which are not reservoirs but which are used as a source for drinking water. Greater protection for such streams would be lost with the proposed changes. Further, the proposed modifications to (C) and (A) would no longer require wastewater discharges greater than 0.05 MGD to have to meet the more stringent effluent requirements if there is a downstream domestic water supply use. The proposed change would result in a degradation of affected surface waters, and would be an endangerment to public health for affected streams used as a drinking water source or for body contact recreation.

6. Reg.6.3, Reg.6.4 and Reg.6.6

Comment: As written, Regulation 6 is inadequate in addressing the issue of subsurface wastewater discharges and their nexus to surfacing groundwaters. A number of domestic wastewater plants, both municipal and nonmunicipal, have been constructed in recent years which utilize subsurface disposal mechanisms, such as drip irrigation. Similar to the concerns with wastes from confined animal operations in the Buffalo National River Watershed, there potentially can be detrimental impacts on area streams and local groundwater from subsurface wastewater discharges. Those streams and groundwater can include drinking water sources. ADEQ needs to develop a better plan through Regulation 6 to address the impact of these subsurface wastewater discharges, particularly if proposed in one of the basins outlined in Reg.6.6.

Thank you for the opportunity to comment. Your consideration of the points raised is appreciated. Should you have any questions in this regard, feel free to contact me.

Sincerely,



Robert Hart, P.E.
Technical Services Officer