



## Arkansas Environmental Federation

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November 9, 2017

Mr. Caleb Osborne  
Associate Director – Water Division  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118

Re: Comments on Proposed 2018 Assessment Methodology

Dear Mr. Osborn:

The Arkansas Environmental Federation (AEF) is a non-profit association with over 200 members, primarily Arkansas businesses and industries that manufacture products, provide services, and employ skilled workers in Arkansas while also insuring that their operations comply with all federal and state environmental, safety and health regulations. As such, the AEF and its members have an ongoing interest in ADEQ's Assessment Methodology pursuant to the Clean Water Act.

Thank you for allowing our organization to be part of the Assessment Methodology stakeholder group. We also appreciate the opportunity to offer comments which are listed below as items 1 – 8.

1. Section 3.3.2. Page 15. The statement "If multiple samples are taken on the same day and at the same location, then the most protective sample result is used. In other words, the sample result more likely to show impairment will be used" is troublesome. This would allow an entity to keep sampling until a poor result is obtained. Multiple samples from the same day should be combined as the standard practice.
2. Section 3.7. Page 18. The binomial distribution method is acceptable but there should be a rationale as to its use for some parameters and not others. Other parameters are based on one excursion rather than a percent exceedance and a rationale for those should also be provided.
3. Unlike the other parameters listed in Section 4.2. Table 4, the document does not present an Assessment Methodology for Oil and Grease. What is the rationale for excluding Oil and Grease?

4. Section 5.0. Page 33, Table 8. The supporting Community Structure Index is described as either mostly or generally similar. In 2012, the fish community support narrative indicates support if the comparative IBI score is either highly, generally, or fairly similar. Is the 2018 assessment criterion more difficult to pass than in 2012, and if so is there a specific rationale for this change?
5. Section 4.2. Table 4. Page 36. We feel that some of the criteria are paired incorrectly with the listed use impairments. Specifically, we believe that Turbidity, Radioactivity, Site Specific Minerals (Reg.2.511 (A) and Minerals (Reg.2.511 (C) are too broadly applied.

During the 2016 303d comment period, the AEF specifically noted the inappropriate use of the Reg.2.511 (B) criteria to the assessment of Industrial and Agricultural Water Supply. This table as presented continues the misapplication of those criteria to those designated uses.

6. Section 5. Biological Criteria. Page 27. Amendments to the benthic chart previously recommended by the AEF are appreciated.
7. Section 5. Fish Assembly Analysis Page 29. The fish metrics calculations should be included as an Appendix to the document and not just referenced.
8. Section 6.9 Nutrients. Page 558. The listing methodology uses the 75<sup>th</sup> percentile of total P or N from ecoregion values compared to an average value for the stream being assessed. In our opinion it would be more appropriate to use the geometric mean value of the stream being assessed because nutrient data are not usually normally distributed. The geometric mean is a more appropriate measure of the central tendency in these data sets compared to the arithmetic average.

Again, we appreciate being part of the stakeholder process. Please let me know if you have any questions.

Respectfully submitted,  
*Charles M Miller*  
Charles M. Miller  
Executive Director

Cc: Dr. Bob Blanz  
Mary Barnett