

## **Nancy Koon (adpce.ad)**

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**From:** Scheiman, Dan <Dan.Scheiman@audubon.org>  
**Sent:** Friday, December 9, 2022 3:07 PM  
**To:** Water Draft Permit Comment  
**Subject:** Deny Paradise Valley draft permit No. AR0053210

Dear Ms. Carstens,

Please DENY the above referenced sewage treatment facility and hold a public hearing on the issues. The revised draft permit would allow pollution of a pristine wetlands area, Mill Bayou and its tributaries. The sewage facility would endanger drinking water, livestock, wildlife and the environment.

Audubon Delta is a regional office of the National Audubon Society (NAS), encompassing our state offices in Arkansas, Louisiana, and Mississippi. NAS is the nation's leading bird conservation organization. We work across the country to protect birds and bird habitat and to preserve critical natural areas. For nearly two decades Audubon staff in Arkansas have worked to address water quality issues in the Lower Arkansas-Maumelle HUC-8 watershed (No. 11110207), especially in the Fourche Creek subwatershed. Over the years we have documented streambank erosion, runoff from construction sites, leaking sewer pipes, and more. This year, Audubon and our partners have started a 319 project to collect water quality data across the HUC-8 as a first step towards a watershed management plan. However, I don't need a watershed management plan to know that as each parcel of undeveloped land in Pulaski County is converted to new housing developments or businesses, the problems of non-point source pollution and downstream flooding magnify. Instead of considering each permit in isolation, ADEQ should examine the cumulative impact of each development on its watershed.

At the very least, in this case ADEQ must consider how the same developer has handled his neighboring development of Waterview Estates. Sewage treatment facilities require diligent monitoring and maintenance to ensure no health risks to the residents, domestic animals, or wildlife. These requirements have not been met at the Waterview Estates sewage treatment facility as indicated by eight Non-Compliance Reports, three notifications about missing discharge monitoring reports, and a Consent Administrative Order for violating the Arkansas Water and Air Pollution Control Act. These enforcement reports span from 2011 to 2021. The wastewater treatment facility for this location is servicing roughly forty homes at this time. If Mr Ferguson is unable to keep this treatment plant up to acceptable standards, how are we to assume that he will do so with a facility that could potentially service over 400 homes? The Pollution Control and Ecology Commission's Regulation No. 7, Civil Penalties, requires that ADEQ consider the past history of a site and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations. Now we have the same developer requesting a permit for a new site just upstream from the Waterview Estates sewage treatment facility. His history at Waterview Estates must be taken into account when considering his permit application for Paradise Valley.

The proposed treatment plant will result in over 50,000 gallons of sewer water into a tributary of Mill Bayou, a discharge which exceeds natural flow in Mill Bayou during certain parts of the year, essentially turning the creek into a sewer conduit. If all 450 planned homes are built in Paradise Valley, an expanded sewage treatment plant will be required, dumping even more sewage into Mill Bayou. Do not let Mill Bayou become a sewer pipe draining directly to the Arkansas River. Thank you for your consideration.

Thank you,

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