

BEFORE THE ARKANSAS COMMISSION ON
POLLUTION CONTROL & ECOLOGY

IN RE: REQUEST BY ASSOCIATED)
ELECTRIC COOPERATIVE, INC.)
(DELL POWER PLANT) TO INITIATE) DOCKET NO. 05-012-R
RULEMAKING TO AMEND)
REGULATION NO. 2)

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AR. POLLUTION CONTROL
& ECOLOGY COMMISSION
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**ASSOCIATED ELECTRIC COOPERATIVE, INC.'S
RESPONSIVENESS SUMMARY**

Associated Electric Cooperative, Inc. (AECI), for its Responsiveness Summary, states:

On January 30, 2006 a public hearing was held in Dell, Arkansas on AECI's Third-party Rulemaking Petition. One (1) speaker presented a comment during the public hearing and one (1) written comment was received by ADEQ during the comment period.

Comment: TECO originally planned to discharge through a long pipeline to a ditch west of the facility. Has the law changed to allow AECI to discharge to the drainage ditch adjacent to the facility?

Response: There has been no change in the law. Ditch No. 27 originates at the southern property boundary of the facility and empties into Ditch No. 6 which flows to the Tyronza River. When AECI purchased the facility from TECO the pipeline had not been built. AECI reviewed the TECO plan which would have discharged through a 7 mile long pipeline to a drainage ditch (Ditch No. 3) which empties into an Ecologically Sensitive Waterbody – the Right Hand Chute of the Little River. AECI performed the necessary studies and analysis to support the change of discharge location because it is more environmentally sensitive and less costly to discharge to Ditch No. 27.

Comment: Five mussel species of state concern (*Cyprogenia aberti*, *Ligumia recta*, *Obovaria olivaria*, *Pleurobema cordatum* and *Toxolasma lividu*) and one mussel species of federal concern (*Potamilus capax*) can be found within sections of Ditch No. 6 and the Tyronza River. The impact of the water quality changes should be evaluated prior to modifying the standards.

Response: The impact of the requested water quality changes on mussel species of concern was evaluated prior to the filing of the Petition to Initiate Third-Party Rulemaking. See the October 12, 2005 UAA Report by FTN Associates, Ltd. which was submitted to the Arkansas Department of Environmental Quality, the United States Environmental Protection Agency – Region 6, Arkansas Game & Fish, and the United States Fish and Wildlife Service.

As reported in the UAA, mussels were collected and identified from Ditch Nos. 27, 6 and 28 during the May and July, 2005 sampling periods. None of the species of concern were found.



The Tyronza River was not sampled during the UAA, however, the potential for impacts to mussels that might be found in this stream due to the requested WQS changes, was evaluated. See Section 8.1.5.1 of the UAA Report which addresses the possibility of toxicity due to increased TDS and sulfate from the facility effluent being discharged to Ditch No. 27 (flowing to Ditch No. 6 and eventually to the Tyronza River).

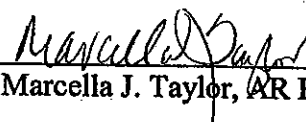
Little direct information on the toxicity of dissolved minerals or sulfate to mollusks is available in the published literature. However, unpublished data on sulfate toxicity for juvenile fatmucket mussel (*Lampsilis siliquoidea*) were obtained from Dr. David Soucek of the Illinois Natural History Survey in Champaign, IL, and unpublished sodium chloride reference toxicant data were obtained for juvenile and glochidia wavyrayed lampmussel (*Lampsilis fasciola*), eastern creekshell (*Villosa delumbis*), notched rainbow (*V. constricta*), eastern elliptio (*Elliptio complanata*), fatmucket (*L. siliquoidea*), pink mucket (*L. abrupta*) and black sandshell (*Ligumia recta*) mussels from Dr. Gregory Cope of the Department of Toxicology, North Carolina State University in Raleigh, NC. These data are summarized in Tables 8.3 and 8.4 of the UAA and show that the anticipated concentrations of sulfate and TDS in the receiving streams are well below levels which are toxic to mussel species.

There are no anticipated adverse impacts to the six listed mussel species in Ditch No. 6 or the Tyronza River due to the facility discharge to Ditch No. 27 or the proposed water quality standards changes.

No other comments relevant to the rulemaking request were received.

Respectfully submitted,

**MITCHELL, WILLIAMS, SELIG
GATES & WOODYARD, P.L.L.C.**
425 West Capitol Avenue, Suite 1800
Little Rock, AR 72201
(501) 688-8800

By 
Marcella J. Taylor, AR Bar No. 82156

**Attorneys for Associated Electric
Cooperative, Inc.**

CERTIFICATE OF SERVICE

I, Marcella J. Taylor, state that I have, on this 3rd day of March, 2006, mailed a copy of the foregoing Responsiveness Summary to Ms. Ellen Carpenter, Arkansas Department of Environmental Quality, 8001 National Drive, Little Rock, AR 72219.



Marcella J. Taylor