

**BEFORE THE ARKANSAS POLLUTION CONTROL
AND ECOLOGY COMMISSION**

**IN RE: REQUEST BY CITY OF FAYETTEVILLE)
PAUL R. NOLAND WASTEWATER)
TREATMENT PLANT)
TO INITIATE RULEMAKING TO) DOCKET NO. 13-010-R
AMEND REGULATION NO. 2)**

CITY OF FAYETTEVILLE’S RESPONSE TO COMMENTS

1. The City of Fayetteville (“Fayetteville”) for its Response to Comments, states:
On October 25, 2013, the Arkansas Pollution Control and Ecology Commission (“APCEC”) granted Fayetteville’s Petition To Initiate Third-Party Rulemaking to Amend APCEC Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas (“Original Petition”). APCEC Minute Order 13-32. A public hearing was held on February 13, 2014 in Fayetteville, Arkansas. The public comment period ended on February 27, 2014. Six public comments were submitted; three written and three voiced at the public hearing. This public comment period is hereinafter referred to as “the Initial Public Comment Period”.

2. Based on a comment submitted by the Arkansas Department of Environmental Quality (“ADEQ”) in the Initial Public Comment Period, Fayetteville and ADEQ reached an agreement to divide the affected stream segment into two segments with new criteria proposed for each segment. Because the “split reach” proposal differed from the proposal contained in its Original Petition, Fayetteville filed an Amended Petition on January 13, 2017, and requested a second public hearing and public comment period (“Amended Petition”). On January 27, 2017, the Commission granted Fayetteville’s Amended Petition and APCEC Minute Order No. 17-04

ordered a new public comment period and public hearing. The second public hearing was held on March 27, 2017 in Fayetteville, Arkansas. The second public comment period ended on April 10, 2017. One public comment was submitted orally at the public hearing with a written copy of the oral statement was also submitted. This public comment period is hereinafter referred to as “the Second Public Comment Period”.

3. The comments received during the Initial Public Comment Period and Fayetteville’s Response to each is as follows:

Comment:

ADEQ asked that the requested water quality criteria be re-evaluated to insure they reflect instream concentrations based on either submitted data or the minerals concentrations measured over the past 23 years in monitoring data.

Response:

Fayetteville re-evaluated the data and gathered additional data which was further analyzed and submitted to ADEQ. Based on ADEQ’s written comments and the related discussions with Department staff, the City revised the criteria changes that it proposes to present to the Commission for final approval. Specifically, the City agrees with the Department’s recommendation to divide the affected segment into two reaches, one from the Noland WWTP outfall to a point 0.4 miles downstream (WR-02), and another from WR-02 to WR-03. The new criteria proposed for the two segments are as follows:

<u>Revised Proposal</u>	<u>Chloride</u>	<u>Sulfate</u>	<u>Total Dissolved Solids</u>
Noland to WR-02	44 mg/L	79 mg/L	362 mg/L
WR-02 to WR-03	33 mg/L	46 mg/L	273 mg/L

Comment:

Arkansas Department of Health requested that any effluent from the WWTP include concentration limits of TDS, chlorides and sulfates that meet the Secondary Maximum Contaminant Levels of 500, 250 and 250 mg/L.

Response:

The TDS, chloride and sulfate water quality criteria requested by Fayetteville upon which the effluent permit limits will be based are 44 mg/L chloride, 79 mg/L sulfate and 362 mg/L TDS. The city anticipates that permit limits will include concentration limits of chloride, sulfate and TDS that will meet or be lower than the Secondary Drinking Water Maximum Contaminant Levels.

Comment:

One commenter stated that the water quality standards requested are higher than are necessary because the mass balance model used to calculate the criteria utilized a series of inputs that are combined in a way that will never occur.

Response:

The re-evaluation and analysis discussed in response to ADEQ's comment (*see above*) lead to agreement to revise downward the requested TDS, chloride and sulfate water quality standards. However, the inputs into the mass balance model were correct in that the standards originally requested have actually occurred in the manner demonstrated by the mass balance model.

Comment:

One commenter requested a delay to see what all the municipalities which discharge into the White River are going to do and for more study. This commenter was particularly concerned that chlorine has an impact on the aquatic insects which are a food supply for fish.

Response:

Fayetteville is not requesting a chlorine water quality criterion; rather it is requesting a chloride water quality criterion. The UAA supporting the requested water quality criteria changes as well as the further evaluation and analysis of the data discussed in response to ADEQ's comment (*see above*) established that the requested changes in the minerals standards will fully support aquatic life in the affected segment of the White River.

Comment:

One commenter stated that people should be composting and mulching food waste rather than using a garbage disposal to keep salts from getting to Beaver Lake.

Response:

Comment acknowledged; however, alternative disposal of food waste is beyond the scope of this rulemaking.

Comment:

Beaver Water District expressed gratitude to Fayetteville for its openness and cooperation in the process of the rulemaking and for keeping Beaver Water District well informed.

Response:

Comment acknowledged. Fayetteville will continue to work with Beaver Water District to protect the drinking water supply for the people of Northwest Arkansas.

4. The comment received during the Second Public Comment Period and

Fayetteville's Response is as follows:

Comment:

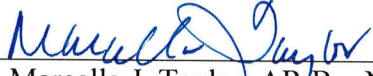
Emory Brown, Vice President Project Management for Superior Industries, expressed Superior Industries support of the water quality standard changes requested by the City of Fayetteville.

Response:

Comment acknowledged.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of April, 2017, I served a copy of the foregoing Response to Comments on the following by electronic service:

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Marcella J. Taylor