

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION

**IN THE MATTER OF AMENDMENTS TO)
REGULATION NO. 2, REGULATION)
ESTABLISHING WATER QUALITY) DOCKET NO. 14-007-R
STANDARDS FOR SURFACE WATERS)
OF THE STATE OF ARKANSAS)**

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S AMENDED
RESPONSIVE SUMMARY FOR THIRD PARTY RULEMAKING TO AMEND
REGULATION NO. 2, REGULATION ESTABLISHING WATER QUALITY
STANDARDS FOR SURFACE WATERS OF THE STATE OF ARKANSAS**

Pursuant to Minute Order 17-05, the Arkansas Department of Environmental Quality (ADEQ or "Department") submits the following Responsive Summary regarding proposed changes to Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.

On January 13, 2017, the Arkansas Pollution Control and Ecology Commission (APC&EC or "Commission") granted a Third-Party Petition to Reopen Southwestern Electric Power Company (SWEPCO) rulemaking to amend Regulation No. 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas.

One public hearing was held in Hope on March 20, 2017. The final day to submit written comments was March 30, 2017.

The Commission received two written comments during the public comment period. No oral comments were received during the public hearing.

Written Comments received on or before March 30, 2017

Comment 1

Jerry Landrum stated "Please to not increase pollution limits for Turk Power plant."

ADEQ Response: SWEPCO's proposed amendment of APC&EC Regulation 2 does not request revision of criteria to allow for additional pollution. The petitioner's request was to align criteria to reflect ambient water quality conditions in the Red River. Oklahoma and Texas salt seeps and springs contribute the majority of ions responsible for elevated total dissolved solid (TDS) concentrations in the Red River. The proposed amendment will revise the Red River TDS criteria from the mouth of Little River to the Arkansas-Louisiana state line.

Comment 2

Dr. Luis Contreras made several comments as set forth below:

2a: “I respectfully oppose increasing wastewater emissions from 500 mg/L to 780 mg/L. This is 56 percent higher than the current emissions of calcium, magnesium, chloride, and silica into the Little Red River.”

ADEQ Response 2a: Please refer to ADEQ Response to Comment 1. In addition, an important point of clarification is that the proposed revision is for the Red River (Miller County), not the Little Red River (Cleburne and White Counties).

2b: “This is a major increase of toxic pollution. SWEPCO is requesting an additional 656 kilograms per day of calcium, magnesium, chloride, and silica, into the Little Red River.” According to the Direct Testimony of James A. Kobyra P.E., APSC DOCKET NO. 06-154-U_19_1, the cooling tower wastewater emissions into the Little Red River are 430 gallons/minute, 1,628 liters per minute.

ADEQ Response 2b: Please refer to ADEQ Response to Comment 1.

2c: “Why now? SWEPCO says the increase is to meet design specifications for the Turk plant. The Turk plant has been running with 500 mg/L for several years. If the design specifications called for additional waste water emissions, why was this not requested when the plant was proposed?”

ADEQ Response 2c: SWEPCO was originally permitted at 500 mg/L TDS because the Red River was listed as impaired for TDS, which resulted in the initial TDS permit limit being derived as an “end of pipe” limit to meet water quality criteria. The TDS impairment stemmed from the Red River TDS concentrations being routinely above the criterion of 500 mg/L because of natural causes described in ADEQ Response to Comment 1. Lower Red River TDS criteria are relatively low in comparison to other sections. Texas and Oklahoma, for example, have TDS criteria of 1,100 and 1,200 mg/L, respectively. Upon entering Arkansas, Red River TDS criteria is 850 mg/L before dropping significantly to 500 mg/L after the Little River confluence. At the Louisiana state line, the TDS criterion rises to 780 mg/L. The revision of the Red River TDS criterion from the mouth of the Little River to the Arkansas-Louisiana state line will reflect ambient conditions without an inappropriate and unnatural decrease in water quality criteria.

2d: “Increasing to ‘match’ is a flawed argument. Would SWEPCO agree to lower emissions, say 350 mg/L, if Louisiana’s standard were 350 mg/L? Louisiana has a higher standard because it is downstream from the Turk plant.”

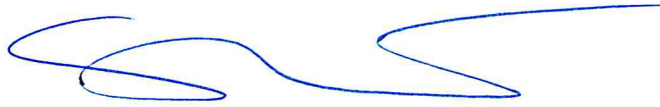
ADEQ Response 2d: Pursuant to sections 303 and 101(a), the federal regulation 40 CFR 131.10(b) requires that, *“In designating uses of a water body and the appropriate criteria for those uses, the State shall take into consideration the water quality standards of downstream waters and shall ensure that its water quality standards provide for the*

attainment and maintenance of the water quality standards of downstream waters.” SWEPCO’s proposed revision for Red River TDS criterion from 860 mg/L to 780 mg/L will effectively align with the current TDS water quality criterion established by the Louisiana Department of Environmental Quality and will be compliant with all federal regulations.

2e: “Louisiana waterways have the worst pollution. SWEPCO is asking for an additional 656 kilograms per day of calcium, magnesium, chloride, and silica, into the Little Red River.”

ADEQ Response 2e: Please refer to ADEQ Response to Comment 2c. Louisiana Department of Environmental Quality and EPA have agreed that the existing criteria of 780 mg/L TDS for the Red River (Louisiana) is protective of all beneficial uses.

Submitted by:



Stacie R. Wassell, Attorney
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118