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November 23, 2015

Doug Szenher
Arkansas Department of Environmental Quality
Public Outreach and Assistance Division
5301 Northshore Drive
North Little Rock, AR 72118

RE: Third-party rulemaking by Cities of Harrison and Yellville to change APC&EC Regulation 2

Dear Mr. Szenher:

Thank you for the opportunity to comment on the proposed changes to APC& EC Regulation 2, the Arkansas Water Quality Standards, for Crooked Creek and the additional questions posed by the Commission. These comments focus on the two questions posed by the Commission and the potential for such changes to set a precedent that would degrade water quality statewide.

The request of the City of Harrison and the City of Yellville to amend Regulation 2 for chloride, sulfate and total dissolved solids for Crooked Creek while not ideal, is a calculated and reasonable amendment based in best science and technology that is currently available.

Commission Question One: Whether the proposed new criteria should be rounded up to the nearest whole number for Chloride and Sulfate and up to the nearest multiple of ten for Total Dissolved Solids?

The proposed new criteria should **not** be rounded up to the nearest whole number for chloride and sulfate and up to the nearest multiple of ten for dissolved solids. Rounding up to the nearest whole number or nearest multiple of ten would not address the Commission's interest in avoidance of giving the public a misleading perception of accuracy. Rounding up would permit higher levels of chloride, sulfate and total dissolved solids in waters of our state and would not advance the goal of the Water Quality Criteria which is to protect designated uses.

If the Commission determines that rounding would be a better way to communicate the standards to the public then the Commission should elect to round down, rather than round up, in order to the state's water quality and protect designated uses.

Commission Questions Two: Whether the proposed new criteria should be revised to correspond to the 99th percentile of relevant instream data?

The proposed new criteria should **not** be revised to correspond to the 99th percentile of relevant instream data. The purpose of the Water Quality Criteria is to protect designated uses. Revising the new criteria to correspond to the 99th percentile of relevant instream data would allow discharges at levels streams may have rarely before been subjected and may not support designated uses. Such a change could have long-term effects on the waters of our state leading to significant degradation of our waters.

Arkansans value our abundant water supply and the high water quality that allow us to work, drink, fish and recreate all over the state. Our high quality water resources fuel the tourism industry that accounted for \$6,698,501,022 in travel expenditures in 2014 and brought more than \$10 million to 66 of Arkansas's 75 counties.¹ Arkansas's \$16 billion agriculture sector is also dependent on our abundant high quality waters.² Each Arkansan values the clean water they drink and streams they cool off in or catch dinner and rely on the Department of Environmental Quality and APC&EC to protect the designated uses of our waters. If the questions raised by the Commission are implemented the results could be lower water quality across the state. If the Commission determines to take action on the questions it has proposed a separate public comment period and hearing should be held to provide the public with adequate notice, information and opportunity to comment on the proposed changes.

Thank you for the opportunity to comment and your consideration of these comments.

Sincerely,

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Cc via email:
Ellen Carpenter
Sarah Clem
Tate Wentz

¹ Arkansas Department of Parks and Tourism Economic Report 2014.

[http://arkansas.parks.com/Assets/Edits/Annual%20Report%20Pages%2074-107E%20\(1\).pdf](http://arkansas.parks.com/Assets/Edits/Annual%20Report%20Pages%2074-107E%20(1).pdf)