

EXHIBIT A

THE CITIES' RESPONSE TO COMMENTS AND THEIR STATEMENT OF BASIS AND PURPOSE

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

Secretary
Arkansas Pollution Control and Ecology
101 East Capitol, Suite 205
Little Rock, AR 72201
Filed _____ *[Signature]* 9/16/16

**IN RE: REQUEST BY THE CITY OF HARRISON)
AND THE CITY OF YELLVILLE)
TO INITIATE RULEMAKING TO)
AMEND REGULATION NO. 2)**

DOCKET NO. 15-002-R

**CITY OF HARRISON
AND CITY OF YELLVILLE'S
RESPONSE TO COMMENTS**

The City of Harrison and the City of Yellville (the Cities) for their Response to Comments state:

1. On August 28, 2015, the Arkansas Pollution Control and Ecology Commission (APCEC) granted the Cities' 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. A public hearing was held on October 19, 2015 in Harrison, Arkansas. The public comment period ended on November 2, 2015. Ten written public comments were submitted.

2. In addition to the invitation to provide comments on the Third-Party Rulemaking Request by the Cities, the Public Notice contained an invitation to comment on two questions posed by APCEC:

- a. 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.
- b. Whether the proposed new criteria should be revised to correspond to the 99th percentile of relevant instream data.

3 Nine of the ten public comments were directed solely to the questions raised by APCEC and those comments are not specifically addressed in this Response to Comments prepared on behalf of the Cities. The Cities recognize the reasoning behind the questions posed by APCEC and acknowledge and appreciate the statements by the Commissioners that the questions are not intended to affect the Cities' requested criteria. The criteria requested by the Cities are based on the Use Attainability Analysis (UAA) documentation and on statistical analysis previously approved by APCEC and EPA over several years of criteria establishment. The Cities did not request the rounding up of the proposed new criteria and the rounding down of the requested criteria would result in permit limits which could not be achieved by the Cities. The Cities take no position on the second question raised by APCEC.

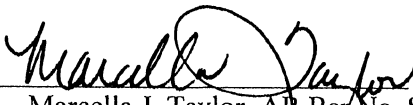
4. One public comment pertained in part to the Cities' Third-Party Rulemaking Petition. That comment, and the Cities' response is set forth below:

Comment: The portion of the comment that specifically pertained to Crooked Creek and the Cities' Rulemaking Petition assumed that the Cities' request was to degrade Crooked Creek. The commenter stated opposition to the degradation of water quality in Crooked Creek. The commenter suggested that the Cities install equipment designed to increase water quality and that the public be educated to stop using products which are high in chlorides and sulfate.

Response: The Cities' requested criteria will not result in degradation of the water quality of Crooked Creek. Harrison and Yellville are seeking changes in Arkansas water quality standards that reflect the historic concentrations of sulfate, chloride, and total dissolved solids (TDS) in the affected reaches of Crooked Creek. The data showing the historic concentrations are based on monitoring data collected over approximately a 10-year period from ADEQ water quality monitoring stations in Crooked Creek. The purpose of proposed rulemaking is to revise the Arkansas water quality standards to be consistent with the already existing and historic concentrations of dissolved minerals in those reaches of Crooked Creek. The UAA supporting the Cities' requested changes fully explored alternatives, including the installation of treatment technologies. The only available treatment technology is reverse osmosis (RO) which generates a concentrated brine that is environmentally difficult and costly to dispose of and is economically infeasible. The approximate estimated capital cost of RO for the City of Harrison and its ratepayers is \$5,600,000 with annual operating costs of \$4,900,000. The approximate estimated capital cost of RO for the City of Yellville and its ratepayers is \$2,250,000 with annual operating costs of \$660,000.

Respectfully submitted,

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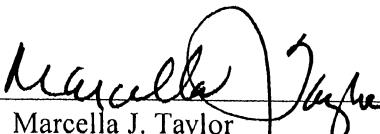
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of September, 2016, I served a copy of the foregoing Response to Comments electronically and by U.S. Postal Delivery on the following:

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