



January 25, 2017
Via U.S. Mail and E-mail: goggansinc@icloud.com

Miles Goggans, Chair
Arkansas Pollution Control and Ecology Commission
101E. Capitol, Suite 205
Little Rock, AR 72201

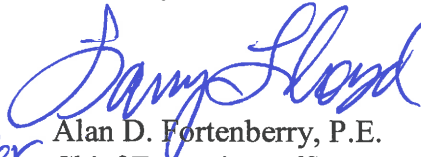
Re: APCEC Docket No. 18-001-R, NANTRAG's Proposed APCEC Regulation No. 37

Dear Commissioner Goggans:

Beaver Water District ("BWD") will not have a representative at the January 26, 2018, meeting of the Arkansas Pollution Control and Ecology Commission ("APCEC" or the "Commission"). We wish, however, to briefly inform the Commission of BWD's position on the Petition of the Northwest Arkansas Nutrient Trading Research and Advisory Group ("NANTRAG") to initiate third-party rulemaking to adopt NANTRAG's proposed APCEC Regulation No. 37, the Arkansas Nutrient Water Quality Trading Regulations. NANTRAG is made up of the Cities of Bentonville, Fayetteville, Rogers, and Springdale. BWD wholesales treated drinking water to these four cities. In other words, they are our only four customers. We, therefore, understand and fully support their interest in the development and successful implementation of an Arkansas nutrient water quality trading program. From the outset, however, BWD has made it clear that it is our position that any nutrient water quality trading regulations must ensure the protection of Arkansas reservoirs that serve as drinking water sources.

NANTRAG made changes during the regulation drafting process that address some, but not all, of BWD's concerns. In the end, NANTRAG chose to move forward at this time with a proposed regulation that BWD believes lacks sufficient specificity, implementation procedures, and protection for drinking water reservoirs. *Because BWD is respectful of NANTRAG's decision to proceed now with its request to initiate third-party rulemaking, we did not and do not object to the initiation of the rulemaking process.* BWD intends, however, to submit substantive comments on the proposed regulation once the public comment period is set. We are hopeful that the public comment process will ultimately result in changes to the proposed regulation that produce nutrient water quality trading rules that contain clear procedures, that protect drinking water reservoirs, and that can be successfully utilized by wastewater dischargers.

Sincerely,


For Alan D. Fortenberry, P.E.
Chief Executive Officer

BWD Letter to APCEC

APCEC Docket No. 18-001-R, NANTRAG's Proposed APCEC Regulation No. 37

January 25, 2018

Page 2

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