

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

Date: 28 February 2018

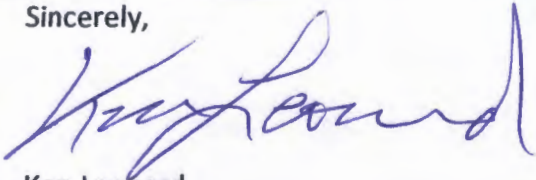
Dear Mr. Goggans,

I recently attended a presentation by the law firm of Michell Williams on the Arkansas Nutrient Water Quality Trading Regulations, Regulation #37. I am submitting this note to you as my public comment on this proposed regulation.

If the intent of this regulation is to improve water quality in Arkansas, then changes should be made to the regulation. As part of the application process organizations that are proposing trades should be required to demonstrate that their actions will improve water quality and not be detrimental to water quality or maintain the status quo. The example used by Michell Williams during the presentation and questioned by the audience demonstrated that the regulation as written could in fact be detrimental to water quality or at best be used to maintain the status quo. The example showed that non-verifiable BMPs already in place could be purchased, allowing a point source polluter to not meet new standards requiring improvement in discharges or a net improvement in water quality.

This example showed that regulation 37 as written would allow water quality levels to remain the same or be diminished through trading already in place measures instead of requiring the trading to improve water quality. I would like to know why this regulation as currently written does not require applicants to demonstrate that water quality improvements will result from their trading actions. I would hope that changes will be made to Regulation 37, insuring that the regulation will require demonstrable water quality improvements through trading. I look forward to hearing from you.

Sincerely,



Ken Leonhard
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