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**MISSION**

TO PROMOTE WATER QUALITY IN THE UPPER WHITE RIVER WATERSHED THROUGH BI-STATE COLLABORATION ON RESEARCH, EDUCATION, PUBLIC POLICY AND ACTION PROJECTS.

**VISION**

WITH YOUR HELP WE WILL WORK TOGETHER TO MAKE BEAVER, TABLE ROCK, TANEYCOMO AND BULL SHOALS LAKES THE FOUR CLEANEST MANMADE LAKES IN NORTH AMERICA

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March 29, 2018

Kelly Robinson  
Arkansas Department of Environmental Quality (ADEQ)  
5301 Northshore Drive  
North Little Rock, AR 72118

Re: Comments on Proposed APC&EC Regulation No. 37

To Whom It May Concern,

Ozarks Water Watch is a bi-state water quality foundation with the mission "TO PROMOTE WATER QUALITY IN THE UPPER WHITE RIVER WATERSHED THROUGH BI-STATE COLLABORATION ON RESEARCH, EDUCATION, PUBLIC POLICY AND ACTION PROJECTS".

Ozarks Water Watch would like to submit the following comments on the Northwest Arkansas Nutrient Trading Research and Advisory Group's effort ("NANTRAG") to initiate third-party rulemaking to adopt NANTRAG's proposed APCEC Regulation No. 37, the "Arkansas Nutrient Water Quality Trading Regulations".

Ozarks Water Watch supports Nutrient Trading as enacted in 2015 with Act 335 by the Arkansas General Assembly that authorizes the Arkansas Pollution Control and Ecology Commission (APC&EC) to promulgate regulations governing the establishment and implementation of a nutrient water quality trading program.

It is Ozarks Water Watch's position that every approved trade should cause no net increase to current in-stream nutrient pollution and that this should be enforceable by the Director of ADEQ. While the proposed APC&EC Regulation 37 does state in Section 2. (A) (6) that the application for approval of nutrient credit generating projects shall include evidence that use of the nutrient credits will not result in a net increase in pollutant loading in the relevant watershed, Regulation 37 contains no actual enforceable provision that the net nutrient increase will not occur. Section 2. (G), regarding the minimum conditions and limitations in the Director's decision, should be modified to add a new subsection (4) specifying that there shall be no net increase to current in-stream nutrient pollution.

The ultimate outcome of any trading project must be improved water quality and any outcome that would result in increased nutrients or reduced water quality would only damage the effectiveness and continuation of the overall Nutrient Trading Program.

Sincerely,

David Casaletto  
President & Executive Director