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Sent Via email May 2, 2018 @ 8:27AM  
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Kelly Robinson  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118

Re: Draft Regulation 37- Nutrient Trading

Friends of the North Fork and White Rivers is a non-profit watershed organization for the middle White River watershed. We have become increasingly concerned about the growing effects of nonpoint source pollution from land application of animal waste, which is largely unregulated. This, combined with aging wastewater infrastructure in rural communities, is creating a growing threat to the waters of the watershed. While nutrient trading may be seen as a market-based alternative to achieving a reduction of nutrient loading, its encouragement must be balanced with clear standards and enforceable regulation in order to prevent abuse and guarantee measurable results, the result being a net reduction of nutrients in our waters.

These are some of our concerns:

The implementation procedures and the self-monitoring processes are defined by the applicants.

In a point to non-point source trade, two state agencies are involved in the inspections.

Currently there are no numeric criteria for stream nutrients nor are there total maximum daily loads established for most streams. Arkansas lacks appropriate water quality goals.

The regulation does not provide a clearly defined process of evaluating non-point source credits and evidence to prove the generation of the credits.

There is no required minimum trade ratio and insufficient detail regarding how credits will be incorporated as offsets into the NPDES permits.

The regulation does not include the same public notice, and hearing rights that apply to NPDES permitting decisions.

The public review and comment will be hindered and confused by these concerns, as well as the large discretion granted to the ADEQ Director in the decision to approve an application.

We appreciate your consideration of our comments.

*Steve Blumreich*

President, Friends of the North Fork and White Rivers

*Friends of the North Fork and White Rivers is an Arkansas 501(c)(3) non-profit organization devoted to creating an ongoing dialogue where individuals, groups, and government agencies can work together to conserve, restore and enhance these beautiful rivers.*