

## Robinson, Kelly

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**From:** Steven Jarvis <sjarvis@sjarvis.com>  
**Sent:** Wednesday, May 02, 2018 8:10 AM  
**To:** Reg-Comment  
**Subject:** Comments on Regulation 37

As a life-long citizen of Arkansas and a lover of our Natural State, I would like to register the following comments about proposed Rule 37:

- (1) Arkansas has not established appropriate water quality goals (total maximum daily loads, water quality based effluent limitations, numeric nutrient criteria, etc.) to create a market for trades.
- (2) The Regulation as drafted lacks sufficient substance to ensure the trading is protective of water quality and will result in actual net improvement in water quality.  
Does not include an enforceable provision that the actual, instream nutrient concentrations and loads be reduced or that they even be maintained at current levels; Lacks sufficient implementation procedures;
  - (a) Lacks a defined process to evaluate non-point source nutrient credits and generators of those credits;
  - (b) The standards for the decision of the ADEQ Director to approve or disapprove a Nutrient Credit Generating Project do not adequately protect our water resources There is no required-minimum trade ratio and insufficient detail regarding how credits will be incorporated as offsets into NPDES permits;
  - (c) The Regulation is introducing an entirely new regulatory program and provides no consideration to the impact on ADEQ resources and staff and how those costs will be covered; and
  - (d) The Regulation limits ADEQ's enforcement authority and only allows inspections by the Arkansas Natural Resources Commission. This is contrary to the delegation of the NPDES program to ADEQ by the U.S. EPA.

Sincerely,

Steven Jarvis  
Fayetteville, Arkansas