

Email address	terribitting@earthlink.net
Full Name	Terri Bitting
Mailing Address	4160 E Hewitt Springs Rd. Springdale, AR 72764
Affiliation (if applicable)	Private Landowner
Your connection to Arkansas waters	The waters of the streams and rivers of NW Arkansas are my playground, my spiritual renewal and my sense of ownership to the environment, a sanctuary away from the travails of commercialism, industrialism and development of land and resources. I swim, fish, canoe, hike and camp in and along stream sides and wilderness areas. The clean gurgling waters are one of this state's greatest assests.
Are you a private landowner that could qualify for non-point source nutrient reduction credits?	No
Do you trust in ADEQ's ability to critically review applications for credit-generating projects to determine if proposed offsets will result in significant adverse effects to water quality?	No. All details outlining how credits will be calculated, administered, monitored, enforced, and how credit ratios will be determined should be open for full public participation.
Do you believe adequate consideration should be given to the impact on ADEQ and ANRC resources and staff, and how these costs will be covered, BEFORE approving a nutrient trading regulation?	Yes
Without objective criteria, do you believe ADEQ or ANRC will develop sufficient monitoring protocols to determine whether projects are resulting in an "unacceptable localized adverse effect	No

on water quality?"

**Comments on
Regulation 37**

I OPPOSE Regulation 37

Concerns

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.

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;

Lacks a defined process to evaluate non-point source nutrient credits and generators of those credits;

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;

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

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.

Additional comments

In studying the material that has been presented on behalf of NANTRAG I have an underlying feeling that the proposal does not truly benefit all of the waters of the state. It feels that it is just a tradeoff of allowing pollution runoff to be maintained in one area while saying that it will be reduced in another area. Often disadvantaged areas are the ones that suffer the most when more affluent areas are able to pardon their "behaviors" with a trade off for their own benefit.

Without strict over site and demonstrable procedures to actually measure and show the success of this practice it will in short only create a false front for the pollution to be allowed. I am therefore opposed to regulation 37 on behalf of the streams and rivers of this state that endear so many to this treasure.