

From: [Ginny Masullo](#)
To: [Reg-Comment](#)
Subject: Revised Regulation 37 Comment
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Arkansas Pollution Control and Ecology Commission
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

November 4, 2018

Dear Arkansas Pollution Control and Ecology Commission and ADEQ,

Just plain good sense is needed before adopting the proposed nutrient trading regulation.

I attended two of the public meetings about nutrient trading. At the meeting at Arvest Ball Park in Springdale Allan Gates said that Outstanding Resource waterbodies will not be excluded. **In a letter from the EPA to Allan Gates dated October 13, 2017 in response to NANTRAG soliciting input from EPA regarding the draft nutrient trading, "EPA recommends excluding trading in areas designated as Extraordinary Resource Waters, Ecologically Sensitive Waterbodies or, Natural and Scenic Waterways."**

For a program such as nutrient trading that does not have a proven track record, it would just make good sense to exclude Extraordinary Resource Waters, Ecologically Sensitive Waterbodies or, Natural and Scenic Waterways as Arkansas makes a trial run of nutrient trading.

The revised Regulation 37 is inadequate for several other reasons. Not small among them is the fact that there are no requirements to test the waters before, during and after the nutrient trades. We need to be sure that we are reducing nutrients in our waters. Again just common sense.

Also, the regulation does not prohibit trades between watersheds. Tracking the efficacy of the trades, therefore, is almost impossible. Add to that the fact that Arkansas has no statewide numeric standards, prevents sure knowledge that nutrient trading really works.

There appear to be no standards to evaluate if the trades or any projects have merit.

For these reasons and more revised Regulation 37 should not be approved as it is written.

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