

Thank you for the opportunity to provide public comment in regard to the proposed revisions to Regulation 2.

My comment is in regard to Regulation 2 as it applies to Tier 3 water quality standards for Outstanding Resource Waterways (ORWs), including designations as Extraordinary Resource Waters (ERW), Ecologically Sensitive Waterbodies (ESW), or Natural Scenic Waterway (NSW).

The Environmental Protection Agency (EPA) noted in its “Comments and Recommendation on Arkansas’s Draft Antidegradation Implementation Methods 2020 Edition” (page 8), that a Tier 3 waterbody’s assimilative capacity is to be maintained in order to protect existing uses including recreational or ecological significance. As I understand matters, many water bodies do not have background or existing water-quality data, and the use of “ecoregion” water-quality values could distort a water body’s estimated ability to handle the introduction of pollutants. According to CFR 40 § 131.11 (a) (1), [S]tates must adopt those water quality criteria that protect the designated use. Such criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use. For waters with multiple use designations, the criteria shall support the most sensitive use.

Case in point - Designated Uses: Ozark Highlands Ecoregion*

Plate OH-2 (Ozark Highlands)



LEGEND	
- -	Extraordinary Resource Waters
• •	Natural and Scenic Waterways
—	Variation by UAA
■	Ecologically Sensitive Waterbodies
■	ESW Caves, Springs, and Seeps
■	Trout Waters

The Kings River segment in Madison County (OH-2)*, ERW, NSW, ESW Caves, Springs, and Seeps.



It is worth noting that the Dry Fork Creek, major tributary to the Kings River segment in Madison County, is also fed by numerous springs and spring-fed tributaries which support unique invertebrates. It is also worth noting that the Division of Environmental Quality (DEQ) has no background or existing water-quality data for the Dry Fork Creek. This sub watershed of the Kings River is experiencing industrial growth, which could impact the pristine water quality of the Dry Fork and ultimately the Kings River ERW, NSW, and ESW segment. The use of “ecoregion” water quality values and narrative standards are insufficient and allow for degradation.

I respectfully urge the DEQ to adopt numeric quantitative standards, which will protect designated beneficial uses.

Dane Schumacher

*Draft Rule No. 2 Appendix A