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From: Drew Kelso [mailto:drewkelso@sbcglobal.net]
Sent: Friday, October 07, 2016 12:31 PM
To: Reg-Comment
Subject: Comment on Regulation 6 changes

Kelly
Robinson

October 7, 2016

Arkansas Department of Environmental Quality
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I am writing on behalf of myself and Citizens of West Pulaski County, a group dedicated to the thoughtful development of the area in which we live.

We have grave concerns about the proposed changes to Regulation 6. House Bill 1314 has done away with a more reasonable approach to financial assurance and introduced a Trust Fund concept that is totally inappropriate and destined to fail.

Representative Davis, in the passing of HB1314, clearly indicates he wanted to reduce the burdens and hardships on the developers, operators and owners of non-municipal waste water treatment plants. The Trust Fund concept as proposed clearly does that, relieving these parties from all financial accountability and transferring the burden to the ADEQ and the taxpayers. We all know the balance in the Trust Fund is a paltry \$40,000 or so, not even the amount that a single non-municipal WWTP would have had to put up a year ago. The amount is certainly not enough to fix even one failing system. This move is clearly self-serving for Waste Water Companies and developers who use the approach in the absence of municipal sewer systems.

The systems are starting to fail all over the State. Washington County is taking matters into their own hands because no one else is taking responsibility for the issues with these systems. Sebastian County has taken over a failing system. The PCEC Commission has addressed three or four major failures over the last year. Our files have documentation of a dozen failures. The failure rate in Washington County

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has been put at 75%. Director Keogh stated at the August PCEC Commission meeting the State wide failure rate is at 50%.

So, why is it that the State and ADEQ are reducing the financial assurance provisions of non-municipal waste water treatment plants at a time when the situation is screaming to do the reverse? Why is it that the State of Arkansas is reducing financial assurance requirements when other States are increasing regulation on non-municipal waste water plants?

We believe HB 1314 should not be implemented into Regulation 6, and the ADEQ should be asking the legislature to repeal it. We do feel the current financial assurance of non-municipal WWTP (prior to HB 1314) is inadequate, but is far superior to what has been contemplated.

The ADEQ should do everything in its power to not make these changes to Regulation 6.

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