

October 11, 2016

Arkansas Department of Environmental Quality  
c/o Kelly Robinson  
5301 Northshore Drive  
North Little Rock, AR 72118

Members of ADEQ:

As a citizen of Arkansas and Pulaski County, I would like to submit the following serious concerns about proposed changes to Regulation 6.

House Bill 1314 has done away with a more reasonable approach to financial assurance for sewer treatment plants (The Trails and Mountain Valley Subdivisions), and introduced a Trust Fund concept that is **totally inappropriate and destined to fail**.

We all know that Representative Davis owns a company that designs non-municipal waste water treatment plants. Representative Davis, in the passing of HB1314, clearly indicated he wanted to reduce the burdens and hardships on the developers, operators and owners of non-municipal waste water treatment plants (WWTP). 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**.

The balance in the Trust Fund is small (around \$40,000), 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 this approach in the absence of municipal sewer systems.

**These 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 PC&EC Commission has addressed several major failures over the last year. The failure rate in Washington County has been put at 75%. **Director Keogh stated at the August PC&EC 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 WWTP 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 WWTPs?**

I believe **HB 1314 should not be implemented** into Regulation 6, and the ADEQ should be **asking the legislature to repeal it**. I believe the current financial assurance of non-municipal WWTP (prior to HB 1314) is inadequate, but is far superior to what is contemplated. The ADEQ should do everything in its power to deny these changes to Regulation 6.

Thank you for the opportunity to present my comments and concerns.

Respectfully submitted,



William E. MaGee  
4 Iron Horse Road  
Little Rock, AR 72223