

October 18, 2016

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

Re: Proposed Revisions to APC&E Regulation 6

Dear Ms. Robinson,

The following comments are provided in response to the Notice of Proposed Regulation Change regarding APC&E Regulation No 6.

1. Reg.6.103

The term “nondomestic wastewater” is not defined in the definitions section, however is proposed to be added in Reg.6.202. The term “nondomestic wastewater” should be defined.

2. Reg.6.204(C)

The proposed language does not contain the phrase “more stringent” in reference to meeting Federal, POTW NPDES or local pretreatment standards. This modification relaxes the need to meet the more stringent regulation and that an industrial user could be in compliance by meeting any of the mentioned standards. The language should be amended to include the “more stringent” requirement.

3. Reg.6.301(D)(4)

The proposed language substitutes “geometric mean” for the arithmetical “average” in calculating compliance for effluent monthly fecal coliform. The modification of monthly compliance based on geometric mean allows for higher peak discharges of fecal coliform density thereby potentially contributing to degradation of high quality waters such as Extraordinary Resource Waters and drinking water sources. It is recommended that arithmetical average be retained to provide improved protection.

4. Reg.6.301(E)

The proposed language modification eliminates the review of applications by the Arkansas Department of Health (ADH) for the discharge of domestic effluents. This language should be retained because ADH conducts source water assessments for drinking water utilities around the state, and review of any potential sources of contamination into a drinking water supply helps protect public health.

5. Reg.6.401(C)

The proposed the deletion of the text in paragraph (C): “Reservoirs/Domestic Water Supply” weakens protection for water domestic water supplies and should be retained. The modification limits protection to only reservoirs which also have a Domestic Water Supply Use. There are many streams and rivers in the state which are not reservoirs but are used as a source for drinking water.

Thank you for the opportunity to comment on this proposed regulation change. If you have any questions, please don't hesitate to contact me.

Sincerely,

Paul R. Easley  
Director of Water Quality