

Several revisions to the proposed changes to draft Regulation 6 weaken the Regulation leading to less protection of Arkansas Waterbodies, our streams, lakes - the waters of the State.

1. There is confusion and/or inconsistency in section 6.207 re General Permits and continuing reference to permit ARG590000 when Director Keogh has decided not to issue any other Reg. 6 General Permits for swine CAFOS. There is a lack of clarity between the Director's decision and the Attorney General's opinion. Please remove this permit from the language of the draft Reg.6 revision, so that Reg. 6 General Permits for swine CAFOS are permanently eliminated.
2. Section 2.202 (F) says "for general National Pollutant Discharge Elimination System Permits, a state construction permit is not required if the construction is authorized under the general permit". This also weakens the permitting process since a construction permit makes possible the review of an engineer's construction plans, that waste disposal plans are done according to plans and the public should have notice of application of permit. Please add that a separate construction permit should be required.
3. Since C & H Hog Farm will be permitted to continue to operate under ARG590000 until there is a decision on whether or not to grant C & H an individual Reg. 5 permit, there will continue to be millions of gallons of swine waste spread on fields with the growing risk of polluting Big Creek and the Buffalo National River by *E. coli* and low dissolved Oxygen. Arkansas Reg. 2.504 clearly states that *E.coli* is a better indicator of bacterial impairment with regard to human health. Therefore, ADEQ should use the EPA's recommended *E. coli* standard for water quality instead of ADEQ's use of the fecal coliform standard. I believe that most states are currently using EPA's recommendation. Please make this change.
4. While on this subject, EPA also recommends using a Geometric Mean (GM) of no greater than 126 colony units/100 ml of water while ADEQ proposes using a GM of 200 colony units/100 ml of water. This becomes a problem during heavy rain events because the GM smooths out the high readings versus average readings. Recreational use is impacted because high water in our streams attracts white water enthusiasts – this is when canoeists, kayakers and rafters are in/on the stream. They are exposed to higher levels of contamination by *E.coli* and less protected while enjoying the rivers of the State. GM cannot be calculated based on one sample, therefore ADEQ should state minimum number of samples to be assessed. Please use the EPA recommended *E. coli* as an indicator for water quality, to be consistent with existing state regulations and compliance with federal guidelines.
5. While I do not anticipate any changes to Reg. 6.602 re Buffalo River Watershed, there is some concern, (see comment 1) re the moratorium (rule-making approved by the Governor, the General Assembly and PC&E). It is my fervent hope and I trust that Director Keogh will continue to stand by her decision to support the moratorium described below:

See Reg. 6.602(B) The Director shall not issue a permit or coverage pursuant to Reg. 6 for a CAFO in the Buffalo National River Watershed with:

750 or more swine weighing 55 pounds or more or 3,000 or more swine weighing less than 55 pounds

6.602 (D) A permit or coverage renewal, modification, or new permit or coverage issued pursuant to Reg. 6.602 (C) shall not increase the number of swine permitted at a facility and finally

Reg.602 (E) Five years from the effective date of this regulation the Director shall initiate rulemaking to either delete this paragraph, Reg. 6.602 (E), or delete the entirety of Reg. 6.602.

If needed, I will be glad to send any clarification, references or source of information needed. Thank you for the opportunity to comment.

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