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Ms. Becky Keogh, Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

Notice of Proposed Regulation Change to Arkansas Pollution Control and Ecology Commission Regulation 6 (Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)).

Director Keogh,

Biologists with the Arkansas Game and Fish Commission have reviewed the draft changes to Regulation 6. We offer the following comments and questions regarding the proposed revisions to Regulation 6.

We believe some justification is warranted regarding the use of fecal coliforms instead of E.coli, which is recommended by the Environmental Protection Agency, as a water quality parameter. We also have concerns that using a geometric mean instead of an average of number colonies per unit would normalize the data to the point where spikes in concentration wouldn't be accounted for. This change in regulation applies specifically to losing stream segments (Reg 6.301D(4)). Such segments are important conveyances into the groundwater and karst recharge systems. Many losing stream segments contribute to rare karst habitat types, inhabited by several Federally Threatened and Endangered species, such as the Ozark Cavefish.

Additionally, we have some questions about the adequacy of the new financial assurance trust fund system for wastewater treatment facilities. What is the size of this fund expected to be, and how many facilities would it be able to support and for how long?

We appreciate the opportunity to comment and seek clarity on the proposed changes to Regulation 6.

Sincerely,

Justin Stroman
Federal Regulatory Biologist
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The Arkansas Game and Fish Commission's mission is to conserve and enhance Arkansas's fish and wildlife and their habitats while promoting sustainable use, public understanding and support.