

Robinson, Kelly

From: Marti Olesen <molesen12@gmail.com>
Sent: Wednesday, October 19, 2016 11:25 AM
To: Reg-Comment
Subject: Comments on Regulation 6 Revisions
Attachments: Regulation 6 Revision Comments Olesen.docx

Please see attached comments for revision of Regulation 6. I am also copying and pasting my comments here:

Comments on Regulation 6 Revisions

Submitted via electronic delivery to reg-comment@adeq.state.ar.us

October 19, 2016

Director Keogh,

I submit these comments on proposed revisions to APC&EC Regulation 6 (Regulations for State Administration of the National Pollutant Discharge Elimination System (NPDES)), Markup Draft August, 2016.

So many states in our nation have so little water. Arkansas is rich in comparison. If ADEQ does not protect this treasure for posterity it will be a real loss to our state's children, their access to beauty, their access to safe drinking water, their access to good health. Water resources will be valued like gold by the next generation. Because of drought, pollution and mismanagement, clean available water resources across the country are diminishing and will become scarce. Excess nitrates and phosphorus make drinking water reservoirs, springs and wells unsafe for human consumption. Recreational waterways are growing algal blankets from these "nutrients" and are becoming toxic for human contact. Instead of catering to current "business" interests' pressures, ADEQ must keep in mind that health and safety are its main business; its responsibility is to the people of Arkansas, not to those with the most lobbying power or political connections.

I agree with the Buffalo River Watershed Alliance with regard to Section 6.202(F) that the construction permitting process is important as it allows the "ADEQ to review and approve an engineer's construction plans, provide notice to the public, and ensure that disposal systems are constructed in accordance with the plans submitted and approved." To change this subverts the permitting process and is against the public interest. An intact, "separate construction permit, and public notice of application for such a permit," is essential.

The revised language in Regulation 6 section 6.301(D)(4) does not comply with EPA's 2012 recommendations for Recreational Water Quality Criteria. If adopted this changed wording will further weaken the quality of water for Arkansans.

In reducing the effectiveness of Regulation 6 by substituting a geometric mean instead of a regular average for E.coli, ADEQ will be allowing higher peak discharges and less stringent accountability. This might be construed rightly as "*watering down*" the regulation, *literally*. Neither does the language include a specific

number of samples to be used during a certain time frame, further obfuscating the regulation instead of revising it for clarity and usefulness. Such fuzzy terminology might be a short-term boon for developers, agribusiness interests, and real estate profits, but it will be a long-term burden for our children when they will have to clean up deteriorated waterways inherited due to this poorly revised water resource regulation. One must ask if this outdated and incomplete revision is intentional or just an oversight?

Besides the geometric mean issue, ADEQ needs to use E.coli, not Fecal Coliform when assessing pathogens. In its own Regulation 2.507, ADEQ says that E. coli is a better indicator of bacterial impairment.

In revising the language of Regulation 6, ADEQ should be proactive and show foresight of future water resource needs of Arkansas. The hard work of figuring out what standards to use has been provided for ADEQ's use in the EPA's 2012 recommendations. How nice that a federal agency has actually performed a service that saves a state agency time and manpower! This shows how state and federal agencies can collaborate effectively for the good health of all. The link to this pertinent information is located at the EPA website:
<https://www.epa.gov/sites/production/files/2015-10/documents/rec-factsheet-2012.pdf>

In closing, I find it disheartening to think that our legislators and ADEQ would bend to the personal financial interests of individual legislators in relinquishing financial assurance responsibility for NPDES waste water plants as is apparently the case with Representative Davis. It is obvious even to a layperson that a "trust fund" cannot substitute for financial assurance requirements. Who will bail out the ADEQ when inadequate waste systems fail and there are no assurances in place? Will these costs then fall to the "trust" funds of the Arkansas taxpayers? If an assurance cannot be made, then a developer should not build. Instead of weakening and replacing this language with a "trust fund", this financial assurance language should be added to CAFO operations, especially in karst terrains. The amount of potentially dangerous waste is as great as a water treatment plant's when these are constructed, and the public is held responsible for damages done to drinking and recreational waters.

Sincerely,

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