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Judy Kavan

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        Thank you for the opportunity to provide comment in regard
to the Antidegradation
        Implementation Methodology (AIM).
        I respectfully urge the Arkansas Department of Energy and
Environment (E&E) to heed the
        Environmental Protection Agency's recommendation that E&E
lay out the steps for assuring the
        highest statutory and regulatory requirements for point
sources are achieved and also assuring
        that the lowering that is being authorized will not impair
existing uses as required by 40 CFR
        131.12(a)(2).
        In regard to nonpoint activities, EPA's "Water Quality
Standards Handbook" expressly states
        that nonpoint source activities are not exempt from the
provisions of the antidegradation policy.
        See Chapter 4, "Antidegradation". I urge E&E to explain how
ADEQ will communicate with
        controlling agencies to assure compliance with the
applicable regulatory programs before
        authorizing lowering of water quality.
        Additionally, I respectfully request that E&E take note of
EPA's position on Outstanding
        Resource Waterways (ONRW) also outlined in Chapter 4 of the
"Water Quality Standards
        Handbook" as follows:
        4.7☐ ☐Outstanding National Resource Waters (ONRW) -40
CFR131.12(a)(3)
        Outstanding National Resource Waters (ONRWs) are provided
the highest level of
        protection under the antidegradation policy. The policy
provides for protection of water
        quality in high-quality waters that constitute an ONRW by
prohibiting the lowering of
        water quality. ONRWs are often regarded as highest quality
waters of the United States:
        That is clearly the thrust of 131.12(a)(3). However, ONRW

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designation also offers
      special protection for waters of "exceptional ecological
significance."These are water
      bodies that are important, unique, or sensitive
ecologically, but whose water quality,as
      measured by the traditional parameters such as dissolved
oxygen or pH, may not be
      particularly high or whose characteristics cannot be
adequately described by these
      parameters (such as wetlands).The regulation requires water
quality to be maintained
      and protected in ONRWs. EPA interprets this provision to
mean no new or increased
      discharges to ONRWs and no new or increased discharge
tributaries to ONRWs that
      would result in lower water quality in the ONRWs. The only
exception to this prohibition,
      as discussed in the preamble to the Water Quality Standards
Regulation (48F.R.51402),
      permits States to allow some limited activities that result
in temporary and short-term
      changes in the water quality of ONRW. Such activities must
not permanently degrade
      waterqualityor result in water quality lower than that
necessary to protect the existing
      uses in the ONRW. It is difficult to give an exact
definition of "temporary" and
      "short-term" because of the variety of activities that might
be considered. However, in
      rather broad terms, EPA's view of temporary is weeks and
months, not years. The intent
      of EPA's provision clearly is to limit to the shortest
possible time.
*

      A codified Arkansas Antidegradation Policy (as currently
referenced in Regulation 2) provides
      the requisite means to ensure instream uses are maintained
and protected.
      Arkansas waterways deserve the highest protection afforded
by law.
      Judy Kavan

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KACiiigAooooAKKKKAP//Z" style=3D"bottom: 0px; height: 792px;
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612px; left: 0px; position: absolute; border: 0px; margin: 0px; =
user-select: none;"><div class=3D"c pg-1x0 pg-1y1 pg-1w0 pg-1h1"
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style=3D"bottom: 0.75px; height: 791.25px; width: 612px; left:
0px; =
position: absolute; border: 0px; padding: 0px; margin: 0px;
overflow: =
hidden;"><div class=3D"t pg-1m0 pg-1x1 pg-1h2 pg-1y2 pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
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line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
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transparent; text-shadow: none; font-size: 43.98px; bottom:
709.5px; =
height: 32.0401px; left: 72px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">Thank
you for =
the opportunity to provide comment in regard to the
Antidegradation =
</div><div class=3D"t pg-1m0 pg-1x1 pg-1h2 pg-1y3 pg-1ff1 pg-1fs0
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pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
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line-height: 0.938965; visibility: visible; transform:
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transform-origin: 0% 100%; unicode-bidi: bidi-override;">
Implementation =
Methodology (AIM).   </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
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pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
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bidi-override;"> </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1y5 =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:
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matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
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43.98px; bottom: 665.25px; height: 32.0401px; left: 72px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
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Energy =
and Environment (E&E) to heed the </div><div class=3D"t
pg-1m0 =
pg-1x1 pg-1h2 pg-1y6 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0
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recommendation =
that E&E lay out the steps for assuring the </div><div class=
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pg-1m0 pg-1x1 pg-1h2 pg-1y7 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0
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32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">highest
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statutory and regulatory requirements for point sources are
achieved and =
also assuring </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2 pg-1y8
pg-1ff1 =
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height: 32.0401px; left: 72px; position: absolute; white-space:
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transform-origin: 0% 100%; unicode-bidi: bidi-override;">that the
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lowering that is being authorized will not impair existing uses
as =
required by 40 CFR </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1y9 =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:
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43.98px; bottom: 607.5px; height: 32.0401px; left: 72px;
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absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">131.12(a)(2). </div><div class=3D"t pg-1m0
pg-1x1 =
pg-1h2 pg-1ya pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 592.5px; height: 32.0401px; left: 72px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1yb =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:
=
matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 578.25px; height: 32.0401px; left: 72px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">In regard to nonpoint activities, EPA=E2=80=99s =
=E2=80=9CWater Quality Standards Handbook=E2=80=9D expressly
states =
</div><div class=3D"t pg-1m0 pg-1x1 pg-1h2 pg-1yc pg-1ff1 pg-1fs0

=
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
564px; =
height: 32.0401px; left: 72px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">that
nonpoint =
source activities are not exempt from the provisions of the =
antidegradation policy. </div><div class=3D"t pg-1m0 pg-1x1
pg-1h2 =
pg-1yd pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 549px; height: 32.0401px; left: 72px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">See Chapter 4, =E2=80=9CAntidegradation=E2=80=9D.
I urge =
E&E to explain how ADEQ will communicate with </div><div
class=3D"t =
pg-1m0 pg-1x1 pg-1h2 pg-1ye pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0
pg-1ls0 =
pg-1ws0" style=3D"font-family: pg-1ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 534.75px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">
controlling =
agencies to assure compliance with the applicable regulatory
programs =
before </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2 pg-1yf pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:

519.75px; =
height: 32.0401px; left: 72px; position: absolute; white-space: =
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">
authorizing =
lowering of water quality. </div><div class=3D"t pg-1m0 pg-1x1
pg-1h2 =
pg-1y10 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 505.5px; height: 32.0401px; left: 72px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1y11 =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:
=
matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 491.25px; height: 32.0401px; left: 72px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">Additionally, I respectfully request that E&E
take =
note of EPA=E2=80=99s position on Outstanding </div><div class=
3D"t =
pg-1m0 pg-1x1 pg-1h2 pg-1y12 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0
pg-1ls0 =
pg-1ws0" style=3D"font-family: pg-1ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 476.25px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">Resource
=
Waterways (ONRW) also outlined in Chapter 4 of the =E2=80=9CWater
=
Quality Standards </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1y13 =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:

=
matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 462px; height: 32.0401px; left: 72px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">Handbook=E2=80=9D as follows: </div><div class=
3D"t =
pg-1m0 pg-1x1 pg-1h2 pg-1y14 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0
pg-1ls0 =
pg-1ws0" style=3D"font-family: pg-1ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 447px; height:
32.0401px; =
left: 72px; position: absolute; white-space: pre; transform-
origin: 0% =
100%; unicode-bidi: bidi-override;"> </div><div class=3D"t pg-1m0
pg-1x2 =
pg-1h2 pg-1y15 pg-1ff2 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff14; line-height: 0.938477;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 432.75px; height: 32.0401px; left: 108px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">4.7<span class=3D"pg-1ff3" style=3D"font-family:
=
pg-1ff16; line-height: 0.666504; visibility: visible; position: =
relative; unicode-bidi: bidi-override;">=EE=80=81<span class=
3D"pg-1ff1" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; position: relative; unicode-bidi: bidi-override;"> =
=EE=80=81Outstanding National Resource Waters
(ONRW) -40 =
CFR131.12(a)(3)<span class=3D"pg-1ff1" style=3D"font-family:
pg-1ff13; =
line-height: 0.938965; visibility: visible; position: relative; =
unicode-bidi: bidi-override;"> </div><div class=3D"t
pg-1m0 =
pg-1x2 pg-1h2 pg-1y16 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0
pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-

```
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 418.5px; height: 32.0401px; left: 108px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">Outstanding National Resource Waters (ONRWs) are
=
provided the highest level of </div><div class=3D"t pg-1m0 pg-1x2
pg-1h2 =
pg-1y17 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 403.5px; height: 32.0401px; left: 108px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">protection under the antidegradation policy. The
policy =
provides for protection of water </div><div class=3D"t pg-1m0
pg-1x2 =
pg-1h2 pg-1y18 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 389.25px; height: 32.0401px; left: 108px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">quality in high-quality waters that constitute an
ONRW =
by prohibiting the lowering of </div><div class=3D"t pg-1m0
pg-1x2 =
pg-1h2 pg-1y19 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 375px; height: 32.0401px; left: 108px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
```

bidi-override;">water quality. ONRWs are often regarded as highest =
quality waters of the United States: </div><div class=3D"t pg-1m0 pg-1x2 =
pg-1h2 pg-1y1a pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965; visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none; font-size: =
43.98px; bottom: 360px; height: 32.0401px; left: 108px; position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-bidi: =
bidi-override;">That is clearly the thrust of 131.12(a)(3). However, =
ONRW designation also offers </div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 =
pg-1y1b pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965; visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none; font-size: =
43.98px; bottom: 345.75px; height: 32.0401px; left: 108px; position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-bidi: =
bidi-override;">special protection for waters of "exceptional =
ecological significance."These are water </div><div class=
3D"t =
pg-1m0 pg-1x2 pg-1h2 pg-1y1c pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 =
pg-1ws0" style=3D"font-family: pg-1ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 330.75px; height: =
32.0401px; left: 108px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">bodies that are =
important, unique, or sensitive ecologically, but whose water quality,as =
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y1d pg-1ff1 pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13; =
line-height: 0.938965; visibility: visible; transform: matrix(0.25, 0, =

0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
316.5px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">measured
by the =
traditional parameters such as dissolved oxygen or pH, may not be
=
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y1e pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
302.25px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">
particularly =
high or whose characteristics cannot be adequately described by
these =
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y1f pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
287.25px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">
parameters =
(such as wetlands).The regulation requires water quality to be =
maintained </div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y20
pg-1ff1 =
pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family:
pg-1ff13; =
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
273px; =
height: 32.0401px; left: 108px; position: absolute; white-space:

pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">and
protected =
in ONRWs. EPA interprets this provision to mean no new or
increased =
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y21 pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
258px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">
discharges to =
ONRWs and no new or increased discharge tributaries to ONRWs that
=
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y22 pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
243.75px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">would
result in =
lower water quality in the ONRWs. The only exception to this =
prohibition, </div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y23
pg-1ff1 =
pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family:
pg-1ff13; =
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
229.5px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">as
discussed in =
the preamble to the Water Quality Standards Regulation
(48F.R.51402), =

```
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y24 pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
214.5px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">permits
States =
to allow some limited activities that result in temporary and
short-term =
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y25 pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
200.25px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">changes
in the =
water quality of ONRW. Such activities must not permanently
degrade =
</div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y26 pg-1ff1
pg-1fs0 =
pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family: pg-1ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
185.25px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">
waterqualityor =
result in water quality lower than that necessary to protect the
=
existing </div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y27
pg-1ff1 =
pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family:
pg-1ff13; =
```

```
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
171px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">uses in
the =
ONRW. It is difficult to give an exact definition of =
&quot;temporary&quot; and </div><div class=3D"t pg-1m0 pg-1x2
pg-1h2 =
pg-1y28 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 156.75px; height: 32.0401px; left: 108px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;">&quot;short-term&quot; because of the variety of
=
activities that might be considered. However, in </div><div
class=3D"t =
pg-1m0 pg-1x2 pg-1h2 pg-1y29 pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0
pg-1ls0 =
pg-1ws0" style=3D"font-family: pg-1ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 141.75px; height:
=
32.0401px; left: 108px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">rather
broad =
terms, EPA's view of temporary is weeks and months, not years.
The =
intent </div><div class=3D"t pg-1m0 pg-1x2 pg-1h2 pg-1y2a pg-1ff1
=
pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-family:
pg-1ff13; =
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
127.5px; =
height: 32.0401px; left: 108px; position: absolute; white-space:
pre; =
```

transform-origin: 0% 100%; unicode-bidi: bidi-override;">of EPA's =
provision clearly is to limit to the shortest possible
time.<span =
class=3D"pg-1fs1" style=3D"font-size: 39.99px; position:
relative; =
unicode-bidi: bidi-override;"> </div><div class=3D"t
pg-1m0 =
pg-1x2 pg-1h2 pg-1y2b pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0
pg-1ws0" =
style=3D"font-family: pg-1ff13; line-height: 0.938965;
visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 112.5px; height: 32.0401px; left: 108px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1y2c =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:
=
matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 98.25px; height: 32.0401px; left: 72px;
position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div><div class=3D"t pg-1m0 pg-1x1 pg-1h2
pg-1y2d =
pg-1ff1 pg-1fs0 pg-1fc0 pg-1sc0 pg-1ls0 pg-1ws0" style=3D"font-
family: =
pg-1ff13; line-height: 0.938965; visibility: visible; transform:
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matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
-webkit-text-stroke: 0.015em transparent; text-shadow: none;
font-size: =
43.98px; bottom: 84px; height: 32.0401px; left: 72px; position: =
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div></div></div></div></div></div>
<li =
class=3D"pageli" id=3D"lipage2" style=3D"margin: 0px; padding:
0px; =
border: 0px; font: inherit; vertical-align: baseline; list-style:
none; =
text-rendering: optimizespeed; height: 445.176px;"><div =
class=3D"page-outer-wrapper" style=3D"position: relative; =

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background-color: white; overflow: hidden; border-width: 0px 0px
3px; =
border-top-style: initial; border-right-style: initial; =
border-left-style: initial; border-top-color: initial; =
border-right-color: initial; border-left-color: initial; border-
image: =
initial; margin: 6px auto; border-collapse: separate; =
border-bottom-style: solid; border-bottom-color: rgb(228, 228,
228); =
width: 344px; height: 445.176px;"><div class=3D"page-inner-
wrapper" =
data-width=3D"344" data-height=3D"445.1764705882353" =
data-scale=3D"0.5620915032679739" data-pageno=3D"2" +=3D"" =
id=3D"pfpage2" style=3D"position: absolute; border: 0px; padding:
0px; =
margin: 0px; top: 0px; left: 0px; overflow: hidden; transform-
origin: 0% =
0%; transform: scale(0.562092);"><div id=3D"pg-2pf2" class=3D"pf
pg-2w0 =
pg-2h0" style=3D"height: 792px; width: 612px; position: relative;
=
overflow: hidden; border: 0px; margin: 0px auto; border-collapse:
=
separate;"><div class=3D"pc pg-2pc2 pg-2w0 pg-2h0" style=
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792px; width: 612px;"><img class=3D"bi pg-2x0 pg-2y0 pg-2w0
pg-2h0" =
alt=3D"" =
src=
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KACiiigAooooAKKKKAP//Z" style=3D"bottom: 0px; height: 792px;
width: =
612px; left: 0px; position: absolute; border: 0px; margin: 0px; =
user-select: none;"><div class=3D"c pg-2x0 pg-2y1 pg-2w0 pg-2h1"
=
style=3D"bottom: 0.75px; height: 791.25px; width: 612px; left:
0px; =
position: absolute; border: 0px; padding: 0px; margin: 0px;
overflow: =
hidden;"><div class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y2 pg-2ff1
pg-2fs0 =
pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13;
=
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
709.5px; =
height: 32.0401px; left: 72px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;" =
id=3D"yMail_cursorElementTracker_1601640696504">A codified
Arkansas =
Antidegradation Policy (as currently referenced in Regulation 2)
=
provides </div><div class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y3

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pg-2ff1 =
pg-2fs0 pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" style=3D"font-family:
pg-2ff13; =
line-height: 0.938965; visibility: visible; transform:
matrix(0.25, 0, =
0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
694.5px; =
height: 32.0401px; left: 72px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">the
requisite =
means to ensure instream uses are maintained and protected.
</div><div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y4 pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height:
0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 680.25px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;"> </div>
<div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y5 pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height:
0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 665.25px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;">Arkansas
=
waterways deserve the highest protection afforded by law.
</div><div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y6 pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height:
0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 651px; height:
32.0401px; =
left: 72px; position: absolute; white-space: pre; transform-
origin: 0% =
100%; unicode-bidi: bidi-override;" =
id=3D"yMail_cursorElementTracker_1601640704349"> Judy Kavan</div>
<div =
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class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y7 pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 636.75px; height: =
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;" =
id=3D"yMail_cursorElementTracker_1601640698851">
</div><div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y8 pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height: 0.938965; =
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32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;" =
id=3D"yMail_cursorElementTracker_1601640872972">
</div><div =
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pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 607.5px; height: =
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;" =
id=3D"yMail_cursorElementTracker_1601640751250">
</div><div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2ya pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height: 0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 592.5px; height: =
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;" =
id=3D"yMail_cursorElementTracker_1601640747884"><span =
style=3D"letter-spacing: 0px; -webkit-text-stroke: 0.015em =
transparent; =
font-style: inherit; font-variant-ligatures: inherit; font-
variant-caps: =
inherit; font-weight: inherit;">
</div><div class=3D"t
pg-2m0 =
pg-2x1 pg-2h2 pg-2yc pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 pg-2ls0
pg-2ws0" =
style=3D"font-family: pg-2ff13; line-height: 0.938965;
visibility: =

visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
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font-size: =
43.98px; bottom: 564px; height: 32.0401px; left: 72px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div><div class=3D"t pg-2m0 pg-2x1 pg-2h2
pg-2yd =
pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" style=3D"font-
family: =
pg-2ff13; line-height: 0.938965; visibility: visible; transform:
=
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font-size: =
43.98px; bottom: 549px; height: 32.0401px; left: 72px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;" id=3D"yMail_cursorElementTracker_1601640755187">
=
</div><div class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2ye pg-2ff1 pg-2fs0
=
pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13;
=
line-height: 0.938965; visibility: visible; transform:
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0, 0.25, 0, 0); letter-spacing: 0px; -webkit-text-stroke: 0.015em
=
transparent; text-shadow: none; font-size: 43.98px; bottom:
534.75px; =
height: 32.0401px; left: 72px; position: absolute; white-space:
pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;"> </div>
<div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2yf pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
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letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 519.75px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;"> </div>
<div =
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pg-2sc0 =
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0.938965; =

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text-shadow: none; font-size: 43.98px; bottom: 505.5px; height: =
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;"> </div>
<div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y11 pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height:
0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 491.25px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;"> </div>
<div =
class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y12 pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height:
0.938965; =
visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 476.25px; height:
=
32.0401px; left: 72px; position: absolute; white-space: pre; =
transform-origin: 0% 100%; unicode-bidi: bidi-override;"> </div>
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class=3D"t pg-2m0 pg-2x1 pg-2h2 pg-2y13 pg-2ff1 pg-2fs0 pg-2fc0
pg-2sc0 =
pg-2ls0 pg-2ws0" style=3D"font-family: pg-2ff13; line-height:
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visibility: visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); =
letter-spacing: 0px; -webkit-text-stroke: 0.015em transparent; =
text-shadow: none; font-size: 43.98px; bottom: 462px; height:
32.0401px; =
left: 72px; position: absolute; white-space: pre; transform-
origin: 0% =
100%; unicode-bidi: bidi-override;"> </div><div class=3D"t pg-2m0
pg-2x1 =
pg-2h2 pg-2y14 pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" =
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spacing: 0px; =
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font-size: =
43.98px; bottom: 447px; height: 32.0401px; left: 72px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;"> </div><div class=3D"t pg-2m0 pg-2x1 pg-2h2
```

43

```
pg-2y15 =
pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" style=3D"font-
family: =
pg-2ff13; line-height: 0.938965; visibility: visible; transform:
=
matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
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absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
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family: =
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matrix(0.25, 0, 0, 0.25, 0, 0); letter-spacing: 0px; =
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43.98px; bottom: 418.5px; height: 32.0401px; left: 72px;
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absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;" id=3D"yMail_cursorElementTracker_1601640683559">
=
</div></div></div></div></div></div></li><li class=3D"pageli" =
id=3D"lipage2" style=3D"margin: 0px; padding: 0px; border: 0px;
font: =
inherit; vertical-align: baseline; list-style: none; text-
rendering: =
optimizespeed; height: 445.176px;"><div class=3D"t pg-2m0 pg-2x1
pg-2h2 =
pg-2y6 pg-2ff1 pg-2fs0 pg-2fc0 pg-2sc0 pg-2ls0 pg-2ws0" =
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visibility: =
visible; transform: matrix(0.25, 0, 0, 0.25, 0, 0); letter-
spacing: 0px; =
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font-size: =
43.98px; bottom: 651px; height: 32.0401px; left: 72px; position:
=
absolute; white-space: pre; transform-origin: 0% 100%; unicode-
bidi: =
bidi-override;" =
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from Yahoo Mail on Android</a></div></div>
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