

Good afternoon, we'll now begin recording. I'm Becky Allison, I work in outreach at ADEQ, and I'm serving as hearing officer today.

It's Tuesday, March 1 at ADEQ headquarters in North Little Rock and we are holding a public hearing to receive public comment on the agency's proposed 2016 Impaired Waterbodies List, also known as the 303-D list.

We've received cards from 6 people who've indicated they wish to speak today. We're providing 5 minutes each for oral comment. Those making comments on the record today, and anyone else, we encourage you to turn in written comments to me today.

Additionally, ADEQ will accept written comments through 4:30 PM Central Time on March 11. I have copies regarding how to send written comments, see me after the hearing is closed.

So I'll call the first speaker and also name the following speaker so you'll be ready. Please state your name and mailing address, and make your comment. If you're reading your comments, I encourage you to leave your comments with me.

A reminder that ADEQ will accept written comments through 4:30 p.m. March 11. I have instructions if you need them.

Thank you for attending today. With no other citizens wishing to comment, this hearing is closed.

S Jim Vise
682 -0663
Barnett 0666

March 1, 2016
303-D Hearing

① Chuck Bitting + written
add tribulations

① nu

3UFT04

②

② Binny Masullo

authentic responsive

③ Colene Baston

Problems with access

Post ASAP - Request for extension
10 Days beyond March 10

④ Teresa Turk + written

also mentions additional tribs to
declare as impaired.

ADCA need to provide methodology

⑤ Brian Thompson

Also want additional
tribs added.

Want response to
Parks letter.

① Draft document about
methodology

② ID in Reg 2 where it found

③ Modeling

use USGS station
+ Consult with other states

⑥ Gordon Watkins - Buff River Lab Alliance
work response.

Buffalo National River Public Comments ADEQ 303(d) list meeting, North Little Rock, Arkansas, March 1, 2016

Ladies and Gentlemen,

My name is Charles Bitting, I ~~am~~^{serve as} the Natural Resource Program Manager at Buffalo National River. I am submitting these comments for the record at this public hearing on the 2016 303(d) stream list. These comments are being submitted on behalf of the Buffalo National River, a unit of the National Park Service.

This year the National Park Service is celebrating our centennial. We invite all of you present to visit Buffalo National River or any other park unit throughout our great country.

Forty-four years ago today, after years of strong public support and the bi-partisan efforts of U.S. Senator J. William Fulbright, U.S. Senator John L. McClellan, U.S. Representative John Paul Hammerschmidt, Arkansas Governor Orval Faubus, and Arkansas Governor Dale Bumpers, U.S. President Richard M. Nixon signed the Buffalo National River Bill into Law (Public Law 92-237) which created the Buffalo National River.

The purposes of Buffalo National River are to conserve and interpret an area containing unique scenic and scientific features, and to preserve as a free-flowing stream an important segment of the Buffalo River in Arkansas for the benefit and enjoyment of present and future generations.

The fundamental purpose of the National Park Service is to conserve the scenery, natural and historic objects, and wildlife within the parks and to provide for the enjoyment of the scenery natural and historic objects and wildlife within the parks in such manner and means as to leave them unimpaired for the enjoyment of future generations. Furthermore, the protection of NPS units must be conducted in light of their high public value and the integrity of the National Park System and must not be exercised in derogation of the values and purposes for which the individual units were established, except as directly and specifically provided by Congress.

The Clean Water Act (33 U.S.C. §1251 et seq.) established the basic structure for regulating discharges of pollutants into the waters of the United States, and regulating water quality standards for surface waters.

The purposes of the Buffalo National River are to conserve the unique scenic and scientific resources and preserve the Buffalo River as a free-flowing stream for the benefit and enjoyment of present and future generations. A significant component to the conservation for the benefit and enjoyment of present and future generations concerns water based recreation such as fishing, swimming, and canoeing. These activities are mostly "Primary Contact" activities. The quality of the water; therefore, needs to reflect this fact. The Buffalo River is also home to numerous federally listed mussels and bat species which rely upon good water quality to thrive. Dozens of Species of Greatest Conservation Concern also occur along the Buffalo.

The National Park Service would like ADEQ to add two tributaries to the 303(d) list.

1. Mill Creek at Pruitt should be added for fecal contamination. We have been collecting E coli samples from Mill Creek on a weekly basis for well over a year. The ~~numbers~~ ^{results} are regularly over the limit set by Regulation 2. The E. coli coming in to the Buffalo River from Mill Creek is a threat to a significant proportion of our visitors. We feel this is such a potential health and safety impact that we have posted warning signs along Mill Creek and downstream along the Buffalo River. *4 of the 5 months in 2015*
2. Big Creek at Carver should be added for low dissolved oxygen values. Dissolved oxygen is necessary for all aquatic life. The creek has a large diurnal fluctuation of dissolved oxygen during the critical period which puts the stream in an impaired condition through much of the summer. The dissolved oxygen data is from a USGS gaging station just above the Buffalo River. The station collects data for a suite of parameters on a continuous basis, in addition to dissolved oxygen. Adequate levels of dissolved oxygen are very important for aquatic life. The Buffalo River is home to a number of native mussels and numerous game fish, including the smallmouth bass. As a Blue Ribbon Smallmouth bass stream, dissolved oxygen levels in the Buffalo River need to be protected to maintain the fishery. A reduction in dissolved oxygen would be likely to result in fewer fish and mussels, lower angling success, and reduced revenues for businesses which rely upon the Buffalo River for all or part of their profits. *of prime habitat season in 2015. The gas mean exceeded 126 mg/L/100%*
3. Bear Creek near Marshall should be added for low dissolved oxygen values. This section of Bear Creek is already listed for total dissolved solids. The USGS collects dissolved oxygen data as well as a suite of other parameters on a continuous basis. *that stream*

We ask that ADEQ review the water quality data NPS has provided on Mill Creek and also ~~the~~ ^{review} the data for Big Creek and Bear Creek available from the USGS. *Our analysis of the data current data shows a trend toward impairment for all three streams. To fully protect the aquatic life and recreational resources of the Buffalo River we recommend these streams be considered for listing on the 303(d) list.*

2016

Afternoon My name is Turk & I am representing the Natural Parks Conservation Association

Good Morning and thank you for providing an opportunity to comment on the 2016 proposed 303-d listing of water bodies in Arkansas and the conspicuous absence of Mill Creek and Upper Buffalo-Newton County-Big Creek on this list of impaired streams.

As you know, the Buffalo River is the iconic symbol of Arkansas's motto "The Natural State" and is the reason why tourists spent over \$56 million, creating 890 jobs in this area of rural Arkansas in 2014 according to the National Park Service. Statewide in 2014 tax collections from tourism were up 7.04% over calendar 2013 with a total of \$13.79 million.

Employment in the tourism sector is up 23% in the past 10 years (AR Parks and Recreation Annual report 2014-2015). Residents of Newton and Searcy County are in desperate need of jobs as these counties are some of the poorest in the state and nation. Jobs generated from tourism tend to be long term and sustainable. Tourism is a vital part of our state's economy and is highly dependent upon tourists recreating in clean waters free of algae, harmful bacteria or other contaminants.

Recently the National Park Service (NPS) submitted a request to the ADEQ to list three tributaries (Mill Creek, Bear Creek and Upper Buffalo-Newton County-Big Creek) of the Buffalo National River as impaired. The NPS cited data from their data collection program and from the US Geologic Survey's automated data collection stations at Carver (USGS 07055814) and Bear Creek (USGS 07056515). This past January 2016, ADEQ posted a list of impaired streams on the agency's website and two streams (Upper Buffalo-Newton County-Big Creek and Mill Creek) were not listed as impaired.

As stated on their website, ADEQ assesses water quality monitoring data from numerous locations around the state and utilizes a comprehensive assessment methodology to determine which waters are not meeting their designated uses or water quality standards as listed in Regulation No. 2, but nowhere in Regulation 2, in the latest version of Integrated Water Quality Monitoring and Assessment Report, or in the proposed draft 2016 Assessment Methodology, does ADEQ provide a detailed description of this comprehensive assessment methodology (i.e., sampling methods, frequency, quality assurance/quality control, data evaluation, and statistical methods used) to determine if a stream is impaired or not. Because there is no regulatory, policy, or guidance document that provides adequate details on the

44th birthday

analysis or methodology used, it is impossible for the public to understand the decision process by the ADEQ in determining whether a stream should be impaired or not.

For these reasons, I am requesting that ADEQ:

1. Draft a public document that specifies in detail the data used, the QA/QC review, sampling methodology, statistical analysis, and threshold decision that is made to determine if a water body is impaired;
2. Identify within Regulation 2 where the methodology and assessment tools are located. If they are not present, then begin the process of incorporating these methodologies and analysis into the regulatory framework; and
3. Implement models that incorporate high quality, continuous data in their analysis.

With respect to the third item, I know that collection of high quality, continuous data can be expensive. ADEQ stated in the latest version of Integrated Water Quality Monitoring and Assessment Report that agencies are solicited for data to aid ADEQ in its evaluation of the uses of the States waters, so ADEQ should be aware that in May 2014, the USGS installed an automated data collection gage on Big Creek-Newton County at the Carver Bridge. The National Park Service is paying a great deal of money to the USGS to collect information. The data station collects a suite of information including continuous Dissolved Oxygen (DO) measurements at 15 minute increments. These data provide a robust data set that greatly increases the precision and accuracy of water quality information compared to other streams in the State. Based on a conversation with ADEQ staff in February, ADEQ apparently does not have a model that is compatible or can incorporate a large data set such as the USGS information collected at the Big Creek site. ADEQ could consult with other state agencies, such as Washington State, that routinely use automated data collected to evaluate its state water quality. With the assistance from other states that have implemented these types of programs, a robust assessment (using the USGS data) could be undertaken to determine whether or not this stream is impaired with respect to DO and other pertinent and available data.

*The basis for good ^{sound} science is repeatability -
to ensure reliable results, reproduce the results*

In closing, the public is well aware of unfortunate and recent examples, such as Flint, MI, Toledo, OH, and the Dan River in NC, where state and federal agencies did not conduct an adequate assessment or analysis to detect or prevent tragic incidents that poisoned our people and polluted our rivers. The Buffalo National River is listed in the highest category of protection in this state--Extraordinary Resource Waters. The public should be well informed, understand how decisions are made, the criteria used, and actions taken or planned to be taken to protect our economically and environmentally valuable resources. Please provide transparency and accountability to the people of Arkansas and protection to water resources in our state.

Thank you,

Teresa Turk

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

HEARING/MEETING REGISTRATION

Name <i>Please Print Legibly</i>	Address <i>Street City State Zip</i>	Organization Represented
Keith Stokes	13328 Hardy Valley Rd. Dardanelle AR 72834	SENATOR COTTON
Don Jones	578 Mt Bee Rd Pottsville Ar 72550	Agreement
ED & PAM ALEXANDER	644 WILSON AVE MTN. MELBOURNE AR 72552	
Nancy Young	700 W. Capital Ave Fed Building Room 3416 72201 Little Rock AR 72201	USDA-NRCS
Rick Monk	605 West Main Street, Russellville, AR 72801	U.S. Forest Service
Justin Stroman	2 Natural Resources Dr., Little Rock, AR 72227	AGFC
GARY Williamson	PO Box 2261 LR AR 72203	AHTID
Casey Vickerson	AECCL Cooperative Way LR AR	AECCL
Michael Heydenreich	PO BOX 175 Morrilton Ar 72110	UAEX
TERESA TURK	1408 W. Cleveland St. Fayetteville, AR 72701	NPCA
Carol Watkins	HC 72 Box 391 Fayetteville, AR 72666	BRWA
Susan Watkins	HC 72 Box 391 Fayetteville, AR 72666	Newton Business
Art Koot	680 Wilson Ave Fayetteville AR	Self
Chuck Bittin	HC 73, Box 176 B, Markle Falls, AR 72648	NPS-BNR
Brian Thompson	3428 E. WYMAN FAY, AR 72701	BRWA
Kristin Higgins	2301 S. University Ave Little Rock	UAEX
Dana Hall	323 Center St. LR, AR 72111	Attorney General
Ray Wieda	3 Innwood Circle, Ste 220, LR, AR 72211	FTN
Dacia Rock	4815 W. Main St LR AR 72205 S/H 57	ADH
Ryan Benefield	ANRC	ANRC

Public hearing/meeting on: 303 d List - 2016 Draft

Location: ADEQ-NLR

Date: 3-1-16

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HEARING/MEETING REGISTRATION

Public hearing/meeting on: 303d List - 2016 Draft Date: 3/1/16
Location: AOEQ - NUR Page 3 of 3

HEARING/MEETING REGISTRATION

Public hearing/meeting on: 303d List 2016 Draft Date: 3/1/16
Location: ADEQ - NLR Page 2 of 3

ILBLY

City Lowell State AR Zip Code 72745

E-mail Address cgastan@bwdh2o.org

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Department of Environmental Quality
www.adeq.state.ar.us

Public Comment Registration Card #2

Date 03/01/14

Verbal Comment ☒ Written Comment ☐
Speaker # (Attached or back of card)

Hearing Location ADEQ

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Public Comment Registration Card #1

Date 3/1/2016

Verbal Comment ☒ Written Comment ☒
Speaker # (Attached or back of card)

Hearing Location ADEQ HQ, NLR

Name Chuck Bitting

Address HC 73, Box 176 B

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Public Comment Registration Card #5

Date _____

Verbal Comment ☒ Written Comment ☐
Speaker # (Attached or back of card)

Hearing Location ADEQ COMMISSION RM

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Public Comment Registration Card #4

Date 3/1/16

Verbal Comment ☒ Written Comment ☒
Speaker # (Attached or back of card)

Hearing Location NLR

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