

**From:** [Brian Thompson COM](#)  
**To:** [ImpairedWaterbodies Comments](#)  
**Subject:** Comments on 303(d) list  
**Date:** Thursday, March 10, 2016 8:02:31 AM

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Mr Jim Wise  
Water Division  
Arkansas Department of Environmental Quality 5301 Northshore Drive North Little Rock,  
Arkansas 72118-5317

Mr Wise,

These comments are in regard to ADEQ's 303(d) list.

On October 6th 2015 the National Park Service made a recommendation to ADEQ that Big Creek, Bear Creek, and Mill Creek be added to the 303(d) list of impaired water bodies. ADEQ has been non-responsive. This has been particularly surprising considering that ADEQ has worked closely with, and accepted recommendations from the National Park Service for many years. Because the Buffalo National River is such a critical tourism draw, I would think that ADEQ would be particularly sensitive to NPS concerns.

I am most familiar with the situation on Big Creek. This summer I observed first hand large algae mats scattered throughout the creek bed. It was clear then that there was something wrong. In addition, the Big Creek Research and Extension Team is recording raised nitrate levels. Having kept up with this, It is no surprise to me that NPS using USGS data would recommend listing Big Creek as impaired.

At the 303(d) meeting it was made known by Water Division representatives that although the Buffalo National River is listed as an Extraordinary Water resource (ERW), its tributaries are not. Mr Wise, this just doesn't make any sense. These are major tributaries. Is a river not composed of its tributaries? How can ADEQ possibly justify this point of view?

I also have learned that since 2008, ADEQ's recommendations for 303(d) listings have not been approved by the Environmental Protection Agency (EPA) due to the inability or unwillingness of ADEQ to comply with federal standards. ADEQ needs to explain this delay to the taxpayers as the result is that streams that are on 303(d) are not receiving the attention that they need.

Mr Wise, the Buffalo National River is a 56 million dollar a year tourism engine. It is critical to the tax base of Newton and Searcy counties. As an Arkansas taxpayer I am extremely concerned that ADEQ is choosing not to act in the best interest of this critical economic resource. Whether these three tributaries are added to the 303(d) list or not, it is absolutely ADEQ's responsibility to investigate and determine the sources of pollution and enforce mitigation.

Brian Thompson  
3428 E. Wyman Rd. Fayetteville, AR. 72701

**From:** [Brian.Thompson.COM](mailto:Brian.Thompson.COM)  
**To:** [ImpairedWaterbodies.Comments](#)  
**Cc:** [burrell.monica@epa.gov](mailto:burrell.monica@epa.gov); [Kaspar.paul@epa.gov](mailto:Kaspar.paul@epa.gov); [Hunt.laura@epa.gov](mailto:Hunt.laura@epa.gov)  
**Subject:** Arkansas 303(d) Impaired Waters List - Comments on  
**Date:** Thursday, March 10, 2016 3:38:33 PM

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Water Division  
Arkansas Department of Environmental Quality 5301 Northshore Drive North Little Rock,  
Arkansas 72118-5317

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Brian Thompson  
3428 E. Wyman Rd. Fayetteville, AR. 72701

**From:** [Brian Thompson](#)  
**To:** [Sarah Thompson](#)  
**Cc:** [ImpairedWaterbodies\\_Comments](#)  
**Subject:** Fwd: Draft letter -need to send today by 4:30  
**Date:** Wednesday, March 16, 2016 11:35:38 AM  
**Attachments:** [ADEQ\\_impaired\\_Big\\_Creek.docx](#)  
[ATT00001.htm](#)

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Sarah, When you have a minute, can you copy the text of the attached document and put it in an e-mail with your name? e-mail to: [ImpairedWaterbodies\\_Comments@adeq.state.ar.us](mailto:ImpairedWaterbodies_Comments@adeq.state.ar.us) copy [teresa\\_turk@hotmail.com](mailto:teresa_turk@hotmail.com) and copy [Hunt.Laura@epa.gov](mailto:Hunt.Laura@epa.gov)

Thanks... :)

Begin forwarded message:

**From:** Teresa Turk <[teresa\\_turk@hotmail.com](mailto:teresa_turk@hotmail.com)>  
**Subject:** Draft letter-need to send today by 4:30  
**Date:** March 16, 2016 at 9:59:23 AM CDT  
**To:** lin wellford <[linwellford@gmail.com](mailto:linwellford@gmail.com)>, Ginny Masullo <[masullo.ginny1@gmail.com](mailto:masullo.ginny1@gmail.com)>, Pam Fowler <[ppjfowler@hotmail.com](mailto:ppjfowler@hotmail.com)>, PAT KENT <[patikat85@hotmail.com](mailto:patikat85@hotmail.com)>, Gordon Watkins <[gwatkins@ritternet.com](mailto:gwatkins@ritternet.com)>, John Van Brahana <[brahana@uark.edu](mailto:brahana@uark.edu)>, Stewart J & P <[jampack1@mac.com](mailto:jampack1@mac.com)>, carol biting <[lcbiting@gmail.com](mailto:lcbiting@gmail.com)>, Marti Olesen <[molesen12@gmail.com](mailto:molesen12@gmail.com)>, dane schumacher <[dane.schumacher@yahoo.com](mailto:dane.schumacher@yahoo.com)>, John Murdoch <[artzbarn@gmail.com](mailto:artzbarn@gmail.com)>, Laura Timby <[laurab2053@gmail.com](mailto:laurab2053@gmail.com)>, Brian Thompson <[thompsonadd@gmail.com](mailto:thompsonadd@gmail.com)>

Hi All,

Please see attached draft letter. I can not send the letter because of the clearance process from NPCA. NPS has been notified.

Feel free to edit but someone has to send this in by 4:30 today via email before the deadline.

Please bcc me when you send something to ADEQ. We need to monitor this very closely and make sure they take action. I would also recommend cc:ing Laura Hunt at EPA.

Her email address is:

[Hunt.Laura@epa.gov](mailto:Hunt.Laura@epa.gov)

Cheers,  
Teresa

Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317  
[ImpairedWaterbodies\\_Comments@adeq.state.ar.us](mailto:ImpairedWaterbodies_Comments@adeq.state.ar.us)

March 16, 2016

Dear Director Keogh,

I am providing these comments in regard to the water quality of the Upper Buffalo River-Big Creek tributary of the Buffalo National River concerning the 2016 303(d) list of impaired streams. The Buffalo National River is considered an Extraordinary Resource Waters (ERW). The designation of an ERW includes the entire watershed of this waterbody (Regulation 2.302 (A)) and therefore includes the 5<sup>th</sup> largest tributary of the Upper Buffalo called Big Creek located in Newton County.

I reviewed data recently obtained through the Arkansas Freedom of Information Act provided by ADEQ. I presume the same data set was used by your staff to assess the Upper Buffalo-Big Creek for impairment. These data were collected by the UA Big Creek Research and Extension Team (BCRET) and funded by the Arkansas tax payer. I have reviewed the information and determined referencing the standards noted in Regulation 2 and the Draft 2016 Integrated Water Assessment and Monitoring Report that Upper Buffalo River-Big Creek meets the criteria as an impaired stream for the following reasons.

1. Using the file "Big Creek Water Analysis":  
BC6-Upstream (worksheet). The BC6 sampling station is located downstream of the C&H hog operation at approximately Latitude 35.8923, Longitude -93.0583.

From 5/13/14-6/9/14 during the primary contact season (May 1-September 30) for E. coli, 5 samples were collected during a 30 day period (Regulation 2.507) and the Geometric mean for E. coli of 126 colonies/ml was exceeded:

5/13/14	920.8	
5/19/14	133.3	
5/28/14	290.9	
6/5/14	307.6	
6/9/14	410.6	Geometric Mean=339 col/100ml

2. From 6/19/14-7/15/14 during the primary contact season for E. coli samples 5 were collected during a 30 day period that exceeded the Geometric mean for E. coli of 126 colonies/ml:

6/19/14	36.4	
6/24/14	28150.0	
7/1/14	238.2	
7/7/14	1732.9	
7/15/14	686.7	Geometric Mean=783 col/100ml

3. There were 22 data points for E coli during the "primary contact" season May 1-September 30, 2014. Of the 22 samples, 8 samples (36% of the samples) exceeded the single grab limit of 298 colonies/100 ml. According to Regulation 2.507, there must be at least 8 samples collected during the primary contact season. No more than 25% of the samples can exceed the single grab limit during the primary contact season (p. 41-Draft 2016 AR Integrated and Monitoring Plan).

4. Using the file "Big Creek Water Analysis":  
 BC7-Downstream (worksheet) is located downstream from C&H hog operation approximately at Latitude 35.9393, Longitude -93.0728.  
 From 5/28/14-6/24/14 during the primary contact season for E. coli 5 samples were collected during a 30 day period that exceeded the Geometric mean for E. coli of 126 colonies/ml:

5/13/14	1553.1	
5/19/14	53.7	
5/28/14	209.8	
6/5/14	201.4	
6/9/14	517.2	Geometric Mean=283 colonies/100 ml

5. From 6/24/14-7/23/14 during the primary contact season for E. coli 5 samples were collected during a 30 day period that exceeded the Geometric mean for E. coli of 126 colonies/ml:

6/24/14	24950	
7/1/14	129.6	
7/7/14	649.8	
7/15/14	816.4	
7/23/15	94.9	Geometric Mean=697 colonies/100 ml

6. From 9/3/14-9/30/14 during the primary contact season for E. coli samples 5 samples were collected during a 30 day period that exceeded the Geometric mean for E. coli of 126 colonies/ml:

9/3/14	65.7	
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9/11/14	980.4	
9/18/14	579.4	
9/23/14	47.1	
9/30/14	85.7	Geometric Mean=172 colonies/100 ml

7. In addition, there were 22 data points for E coli during the "primary contact" season May 1-September 30, 2014. According to Regulation 2.507, there must be at least 8 samples collected during the primary contact season. No more than 25% of the samples can exceed the single grab limit during the primary contact season (p. 41-Draft 2016 AR Integrated and Monitoring Plan). Of the 22 samples, 7 samples (**31% of the samples**) exceeded the single grab limit of 298 colonies/100 ml.

8. Big Creek at Carver Analysis:

The Big Creek USGS gaging station (07055814) is located at the bridge adjacent to the Carver Cemetery at Latitude 35°58'44", Longitude 93°02'36" NAD27.

Using the "2014 Data" spreadsheet, Dissolved Oxygen (DO) below 6.0 mg/L, the primary critical limit (Regulation 2.505), **occurred 14% of the time exceeding the 10% threshold** (Page 39, Draft 2016 Integrated Water Quality and Monitoring Assessment Report) during the period of record provided 6/18/14-10/21/14.

As a result of the analyses listed above based on ADEQ's criteria and standards, I am requesting that ADEQ place Upper Buffalo River-Big Creek on the 2016 list of impaired streams. There is ample evidence to list this tributary of the Buffalo National River as impaired.

ADEQ has delegated authority from EPA to implement provisions from the Federal Clean Water Act, yet arbitrarily and capriciously chose to ignore information provided by the University of Arkansas BCRET and the US Geological Survey in assessing Upper Buffalo Big Creek during their assessment and evaluation process. As an Arkansas tax payer, I am greatly concerned about the ADEQ's scientific integrity and ability to comply with the legal and scientific requirements of the Clean Water Act.

Sincerely,

XXXX