



CHEMICAL COMPANY

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

Re: 2016 303d List

Dear Mr. Wise:

We are in receipt of the referenced document and based upon our review we offer the following comments concerning the Category 5 waterbody listings for the ELCC Tributary (HUC8040201-606) and the related Monitoring Station OUA0137E. We are specifically commenting on the Category 5 list provided in the 303d public notice which presents waterbodies sorted by County and has three listings for the ELCC Tributary.

1. The data used in the 2016 listings was not developed within the required timeframe of April 1, 2012 to March 31, 2015 for metals and toxicity analysis and the April 1, 2010 to March 31, 2015 timeframe for all other analyses.

According to the information on the ADEQ website, the referenced monitoring station (OUA0137E) had an ending period of record of December 4, 2001. While we understand the policy of continuing listings from previous 303d lists there appears to be an inconsistency as the 2014, 2012, 2010 303d Lists used a different Monitoring Station (OUA0137A+) as the source of data assessed in relation to this waterbody.

Based on this we request the removal of all three listings related to the waterbody and an explanation of the use of old monitoring data (over 15 years old) to assess the waterbody in this draft document.

2. Regardless of the previous issue regarding the age of the data, there are inappropriate listings for the ELCC Tributary. One of those listings shows nitrate to be a parameter related to the non-attainment of the Fisheries designated use. A review of the 303d Assessment Methodology for the Gulf Coastal Ecoregion documents that there is no nitrate assessment protocol for aquatic life. Also, the nitrate values on the ADEQ website for Monitoring Station OUA137E (measured as nitrate plus nitrite) ranged from .037 mg/L to .214 mg/L. We are unaware of any documentation on aquatic life protection concerns for such concentrations of nitrate.

Similarly, based on the copper values presented on the ADEQ website for the OUA0137E location, there is no reason to list copper as a non-attaining water

quality standard. By our calculations using ADEQ protocols, none of the values exceed the copper criteria from the WQS that sampling location.

Based on these factors we request the removal of those listings from the 2016 303d list for the referenced waterbody

3. We also request the removal of the Category 5 listing for the waterbody which shows non-attainment of a Fisheries Designated Use without any specific parameter identified.
4. Based on our review of the data for OUA0137E from the ADEQ website, we could not find any pH values outside the 6-9 standard units range listed in the assessment protocol. Therefore we request that parameter be removed from the proposed 303d listing.
5. Lastly, the proposed 2016 303d list attributes the source of the non-attainment for the ELCC Tributary to Industrial Point source. This appears be erroneous as we are unaware of any industrial point sources upstream of Monitoring Station OUA0137E. The discharges from El Dorado Chemical Company are downstream of that sampling location at the confluence with another tributary.

In summary, based on the factors above we request that all three listings for the ELCC be removed from the final 2016 303d List.

We greatly appreciate the opportunity to provide these comments and look forward to the appropriate revision of the reference listings. If you have any questions or need clarifications do not hesitate to contact me.

Sincerely,



Greg Withrow
General Manager
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