

From: [Ross Noland](#)
To: [ImpairedWaterbodies_Comments](#)
Subject: 303(d) Public Comment
Date: Friday, March 11, 2016 2:38:37 PM

To Whom It May Concern:

This email is a public comment regarding ADEQ's draft 303(d) list and the data it must consider.

40 C.F.R. 130.7 requires ADEQ to consider "all existing and readily available water quality-related data and information." EPA's 2006 Integrated Report Guidance ("2006 IR") states that "EPA has not established, required, nor encouraged the establishment of rigid minimum sample set requirements in the WQS attainment status determination process."

See: <http://www.epa.gov/sites/production/files/2015-10/documents/2006irg-report.pdf>.

However,

ADEQ's 2016 Assessment Methodology ("2016 Methodology") states that the 2006 IR requires that "data must," amongst other requirements, "be distributed over at least three (3) seasons (to include inter-seasonal variation) and over at least two (2) years (to include temporal variation)." This requirement, and the others on page 11 of the 2016 Methodology, are much more stringent than the 2006 IR which the 2016 Methodology purports to follow. According to the 2006 IR, "even a very small set of samples may be sufficient to indicate impairment."

ADEQ last solicited data for this impaired water bodies list in May of 2015. See http://www2.adeg.state.ar.us/water/branch_planning/303d/pdfs/request_for_information.pdf That notice states ADEQ will consider data developed after the period of record (ending 3/31/15) in the next assessment period, but does not expressly and "clearly explain that this is the only opportunity for the public to provide data and information for the current assessment cycle," as contemplated by the 2006 IR. The National Park Service submitted data to ADEQ in October of 2015. ADEQ should not set aside data (that it has had for months) for this cycle due solely to its internal data cut-off date. Placing the public comment period in close temporal proximity to ADEQ's April 1st 303(d) submission deadline almost assures ADEQ could not consider data submitted during the public comment period in time to adjust its final submission to EPA. This limits ADEQ's flexibility and ability to respond to changing stream and water quality conditions. Setting aside the National Park Service data now could result in years of impaired streams not receiving the monitoring and permitting decisions necessary to address those impairments.

ADEQ should evaluate all "existing and readily available water quality-related data and information," especially that data submitted by federal agencies such as the National Park Service. Where data sets are limited, ADEQ cannot simply disregard that data, but rather must determine, pursuant to the 2006 IR, if there is a "reasonable likelihood" of a water quality criteria exceedance, and if so, act accordingly. At a minimum, ADEQ should consider data outside its chosen period of record to formally determine if it is appropriate to place a water body in a category which requires additional testing to determine attainment or non-attainment.



Thank you for considering this comment,

Ross Noland