

STIR



Save the Illinois River Inc.

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September 10, 2018

Arkansas Department of Environmental Quality

Office of Water Quality

5301 Northshore Drive

North Little Rock, AR 72118

Re: Arkansas 2018 Draft 303(d) Impaired Waters List

Dear Arkansas Department of Environmental Quality,

Save the Illinois River, Inc., (STIR) is a 501(c)(3) non-profit citizen's coalition that advocates for Oklahoma Scenic Rivers and Tenkiller Reservoir in Oklahoma. STIR was chartered by the State of Oklahoma in 1984 with the stated mission to "Protect and to preserve the Illinois River, its tributaries and Tenkiller Lake."

STIR wishes to comment on the Arkansas Draft 303(d) Impaired Waters List to be submitted to the United States EPA. Our comments are as follows.

ADEQ's 2018 draft 303(d) List, if approved by EPA, will prevent Arkansas from meeting Oklahoma water quality standards because it disallows for a Total Maximum Daily Load (TMDL) study of streams including Osage Creek and Spring Creek and the Illinois River in Washington and Benton Counties of Arkansas. This decision is a flawed decision because it is not supported by water quality data. The ADEQ's decision is apparently based on the existence of a watershed management plan managed by a non-governmental organization and on other well-intended but unenforceable best management practices.

ADEQ's failure to list Osage and Spring Creeks and all Illinois River segments as impaired in Category 5 will continue the current violation of Oklahoma's 0.037 mg/L instream phosphorus limit for the Illinois River. The total phosphorus level at the Oklahoma-Arkansas border surpasses Oklahoma's instream phosphorus limit by more than 90-percent according to the

most recent report to the Arkansas-Oklahoma Illinois River Compact Commission. Phosphorus determines the growth and amount of nuisance algae that prevent the Illinois River from meeting the aesthetic value of an Oklahoma Scenic River (a Beneficial Use determined by the Oklahoma Water Resources Board).

ADEQ's 2018 draft 303(d) List ignores the Oklahoma-Arkansas Scenic Rivers Joint Phosphorus Study recommendations which Arkansas agreed to accept. * This study by Baylor University from 2014-2016 determined that Oklahoma's instream phosphorus limit of .037 mg/L for scenic rivers is scientifically-sound and that a phosphorus level of .035 and below promotes the growth of nuisance algae. A recommendation of the Baylor University study states: ***A six-month average total phosphorus level of not to exceed 0.035 mg/L based on water samples taken during the CRITICAL CONDITION, as previously defined was necessary to protect the aesthetics beneficial use and scenic river (Outstanding Resource Water) designations assigned to the designated Scenic Rivers.***

Because Arkansas agreed to accept the recommendations of the Baylor study, ADEQ is obligated to justify the decision not to list Osage Creek, Spring Creek as impaired streams in the 2018 Draft 303(d) Impaired Waters List.

EPA required the Northwest Arkansas Conservation Authority (NACA) Wastewater Treatment Plant to operate at a NPDEW permit limit of point-one mg/L total phosphorus because of phosphorus impairment of Osage Creek. STIR believes there has been no significant reduction in the amount of phosphorus in Osage Creek since NACA began operation. STIR requests that ADEQ provide water data for Osage Creek and Spring Creek that supports ADEQ's decision not to list these streams as impaired.

Oklahoma is seeking an agreement with Arkansas that would lead to achieving Oklahoma's instream phosphorus limit of 0.037 mg/L total phosphorus. Unfortunately, Arkansas and Oklahoma apparently have decided not to perform TMDLs for the Illinois River and instead will try to agree to a watershed plan to meet the 0.037 mg/L phosphorus limit at Oklahoma's border. **Failure to acknowledge Osage Creek or Spring Creek in the ADEQ 2018 draft 303(d) List, flies in the face of good faith cooperation with Oklahoma to protect and preserve the Illinois River.**

Category 5 is the correct category for Osage Creek and Spring Creek which receive very large loading of phosphorus and nitrates contained in treated sewage originating from wastewater treatment plants in Rogers, Springdale, Bentonville and perhaps other municipalities served by the Northwest Arkansas Conservation Authority Regional Wastewater Treatment facility now and in the future.

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Also, there is a large contribution of phosphorus nonpoint sources including legacy phosphorus.

ADEQ should list Osage Creek, Spring Creek and all Illinois River stream segments in in Washington and Benton Counties in Category 5 of the Arkansas Draft 2018 303(d) Impaired Waters Report.

Sincerely,

Denise Deason-Toyne

President, Save the Illinois River, Inc.

Tahlequah, Oklahoma

* <https://static.visionamp.co/rubix/20171228/joint-scenic-rivers-phosphorus-study-11429.pdf>

Emailed to: waterbodycomments@adeq.state.ar.us
September 10, 2018

“Clean Water is Northeastern Oklahoma’s Future”