

To: [comments@adeq.state.ar.us](mailto:comments@adeq.state.ar.us)

Mary Barnett  
Water Quality Planning  
Arkansas Department of Environmental Quality  
5301 Northshore Drive,  
North Little Rock, Ar 72118

Thank you for taking the time to allow me to comment on the Assessment Methodology.

The purpose of Regulation 2.102 states;

1. Surface water quality standards are based on present, future and potential uses
2. Criteria is developed from **statistical evaluations of past conditions & study of least-disturbed, ecoregion reference streams.**
3. Standards are designed to **enhance the quality, value and beneficial uses** of the water resources of the State of Arkansas
4. To aid in **prevention, control and abatement of water pollution**
5. To provide for the **protection and propagation of fish and wildlife and**
6. To provide for **recreation in and on the water**

This regulation's purpose was not intended to lessen water quality by writing an assessment methodology criteria that allows for degradation of the waters. In #2 above, the regulation states statistical evaluation of past conditions & study of least disturbed, ecoregion reference streams. To me this means that historical data should be used where it exist and to go to the segment of the stream or water than has had the **least amount of disturbance** whether human, animal, industrial, nutrient trading or environmental and the stream should meet that standard or that is where the study begins. Any where below that standard should be assessed, addressed and if it is non natural occurrence should be eliminated from entering the water and lowering its value.

To use any other segments of the stream, such as below sewer treatment plants, paper mills, fracking operations, agricultural modified lands etc suggests the assessment would not be protecting the waters but the polluters, this would void # 3 if these segments set the criteria for water quality in that stream.

The assessment methodology should do one thing if not all thing, it should aid in prevention, control and abatement of water pollution. How could you do this if the criteria is set at the polluters level and there is no requirements to enforce or collect enough data to ever get a stream listed on the 303 (d) list or address its devaluation? You could free yourself of a job, but at the expense of all Arkansan's.

How will you provide protection for the protection and propagation of fish and wildlife as #5 states? In this photo below, algae chokes the channel and fish die. This was taken in the Buffalo River September 18, 2017.



We have seen the oxygen absorbed by the algae growth and become critical issues over the last few years. This is noted in information from NPS, ADEQ and other studies.

And then, not least...to provide for recreation on and in the water. The word recreation can be looked at as re-creation. This is a time we each take to renew ourselves that we might continue to provide for future generations. We take this as a responsibility for we as human's recreate. We want these re-creations of ourselves to have better than ourselves and then the day comes they recreate with tiny little beings we call grandchildren. What happens when our water quality standards are so low and our greed for more allows industrial polluters to steal their livelihood? Can you live without water? Can you live without air? Millions of people come to water for this recreation. Our state and federal agencies such as Arkansas Game and Fish, United States Forest Service, National Park Service and many others provide places for this recreation. Will you take this from them because you want to develop an assessment methodology that doesn't meet any standards by having too few data collections to ever see any stream or waterway as impaired?

I hold you to the purpose of this Regulation 2. You must have quality standards to expect quality waters.

Now to Definitions under Regulation 2.106

We begin with 304(a) Guidance which refers to Section 304(a) of the Clean Water Act, (paraphrased as I understand it) **requires ambient water quality criteria which will be protective of human health and the environment.**

This summer I made several algae complaints. I have received one report from ADEQ and no response on the others. In this report there is no identification of the algae and it is known to be harmful not only to humans but to the environment. How can I as a citizen assure my children and grandchildren this is not harmful? Without identifying the algae how can you know many individuals aren't affected by it? The values for nutrients should be lower than what causes increased algae growth. Criteria should be more stringent not having one stream compared with another so that more agricultural or sewage can be added because it looks like a waterbody in another area of the state or all waterbodies in a region are the same source. I object to algae as scenic or harmless. I am a citizen uneducated in algae identification, I depend on this agency and the health department to educate me and others when situations arise that can be harmful to me, children, weak and old. I would not take my grandchildren below Big (Pig) Creek to swim or even canoe until I am assured there is no health danger. That is only because I am a resident and know the dangers, others that visit are unaware of these dangers. For example, the Buffalo River is known all over the world for its extraordinary waters, are we maintaining these? No, I say, and we are not honorable by not addressing our issues with the visible degradation of this river.

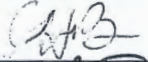
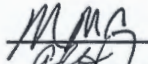

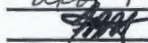
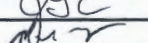

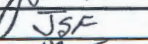
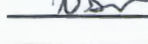



The city of Harrison and Yellville appeared before ADEQ and the APC&E Commissioners with a rule making to reduce Water Quality Criteria (WQC) making changes to Regulation 2 to allow their polluters to come into compliance.

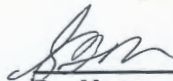
Below are my comments and others of this ruling that allowed Harrison and Yellville to reduce their criteria for compliance with Arkansas Regulation 2 water quality standards. These should be denied and higher standards not lesser standards implemented. Where there are questions then dye tracing should be done prior to lowering standards not just awarding these and allowing for lower standards. Now another city, Huntsville has also petitioned for a 3rd party rule making. This is a snowball rolling down hill. Please look to the future.

[https://www.adeg.state.ar.us/regs/drafts/3rdParty/reg02/15-002-R/reg02\\_3rdparty\\_docket\\_15-002-r\\_exhibit-b-adeq's-responsive-summary.pdf](https://www.adeg.state.ar.us/regs/drafts/3rdParty/reg02/15-002-R/reg02_3rdparty_docket_15-002-r_exhibit-b-adeq's-responsive-summary.pdf)

The Commission grants the Cities' request to proceed and finalize the Third Party Rulemaking independent of the two questions raised by the Commission.

**COMMISSIONERS**

	J. Bates		M. Goggans
	L. Bengal		A. Henry
	J. Chamberlin		B. Holland
	J. Crow		R. Reynolds <b>RECUSED</b>
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	C. Gardner		B. White

  
R. Moss, Chair


SUBMITTED BY: Allan Gates

PASSED: 12/02/16

Beautiful Buffalo River Action Committee only addresses non permitted sources of pollution, so this assessment methodology (AM) should address all sources and especially non point and point sources of pollution and the waters above and below these sources. The AM needs to take into account previous water quality using data and reports that have been available for decades in Arkansas and if not then prior to permitting the stream or waters should be evaluated to insure degradation will not occur due to any permitting.



What good are regulations and criteria if we have no standards? Are we just blowing in the wind and eliminating a need to have an Environmental Quality Agency in the state. This agency has a responsibility to the citizens of not only Arkansas but to the whole United States. This agency receives millions of dollars from the federal government to do its job. The state of Arkansas and its citizens rely on Tourism to support our livelihood. Let us become leaders and have the standards that White River Waterkeeper, the National Park Service, and others have submitted. Let us adopt the highest quality standards for Arkansas. Make this document something to be proud to submit to the Environmental Protection Agency.  
Sincerely,

  
Carol Bitting  
HC 73 Box 182 A  
Marble Falls, Ar 72648  
[lcbitting@gmail.com](mailto:lcbitting@gmail.com)

Buffalo River 2016



Buffalo River 2016



Buffalo River 2017

Buffalo River 2017

