

ADEQ

ARKANSAS
Department of Environmental Quality

April 1, 2010

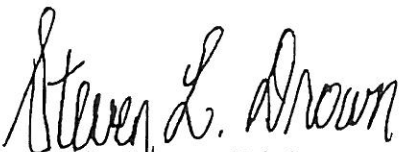
RE: Responsiveness Summary to Comments Concerning Arkansas's 2010 List of Impaired Water Bodies (303(d))

Dear Sir/Madam:

Enclosed, please find a copy of the Responsiveness Summary prepared by the Arkansas Department of Environmental Quality for Arkansas's 2010 List of Impaired Water Bodies, commonly referred to as the 303(d) list.

This Responsiveness Summary is being provided to you because you submitted either oral or written public comments at the Public Hearing held on February 24, 2010, or during the public comment period which closed on March 10, 2010.

Sincerely,



Steven L. Drown, Chief
Water Division

SD/mb

Received
4/07/10 TGM

including a water or waters on the list.” ADEQ has fully complied with the federal requirements and the justifications are included in the 2010 Integrated Water Quality Monitoring and Assessment Report package submitted to EPA.

BWD Comment:

6. BWD notes that the identification of the “Designated Use Not Supported” appears to be missing from the proposed 2010 listing of the 6.2 mile segment of the White River in Planning Segment 4K, HUC 11010001, Reach 023. On the 2008 303(d) List, the agriculture and industry water supply use was identified as not supported.

ADEQ Response:

6. In accordance with EPA Guidance, a stream may be listed as impaired because it does not meet either its designated use and/or its water quality criteria as set out in the assessment methodology. The 6.2 mile reach of the White River in Planning Segment 4K, HUC 11010001, Reach 023, was listed because several water quality constituents are not meeting the assessment criteria, not because it’s failing to meet its designated uses. The magnitude and duration of the exceedances are not severe enough, and there is no data to suggest, that the agriculture and industrial water supply use is not being attained in the water body.

BWD Comment:

7. BWD believes that information regarding the Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 2, §2.507 WQS for *Escherichia coli* (*E. coli*) in the table on page 17 of the Proposed 2010 303(d) List is incorrect. The information in the table provides that the *E. coli* criteria calculated as a geometric mean are 126 colonies per 100 milliliters for primary contact waters and 630 colonies per 100 milliliters for secondary contact waters and that these criteria **apply only to Lakes, Reservoirs, Extraordinary Resource Waters (ERWs), Ecologically Sensitive Waterbodies (ESWs), and Natural and Scenic Waterways (NSWs)**. This is contrary to the express language of Regulation No. 2, §2.507(A) and (B). Although this regulation could have been written more clearly, BWD is confident that the only reasonable interpretation of the regulation is that the *E. Coli* criteria calculated a geometric means **apply to all waterbodies** (according to the applicable primary versus secondary contact designation), not just to lakes, reservoirs, ERWs, ESWs, and NSWs.

BWD questions whether this was just a typographical error in preparing the table on page 17 of the Proposed 2010 303(d) List or whether the ADEQ has been applying incorrect criteria in its assessment of Arkansas’s waterbodies. Should the latter be the case, then a reassessment of the data would seem to be in order.

ADEQ Response:

7. ADEQ acknowledges this comment, however, ADEQ disagrees with BWD’s interpretation of Regulations No. 2, §2.507(A) and (B) and the assessment criteria for these regulations. The geometric mean only applies to the water bodies listed in the Regulation No. 2.

BWD Comment:

8. The information of page 19 of the Proposed 2010 303(d) under the heading “Domestic, Agricultural, and Industrial Water Supply” seems incomplete or at least likely to cause confusion regarding how the Site Specific Mineral Quality criteria of APCEC Regulation No. 2, §2.511(A) are to be applied.