



ARKANSAS  
Department of Environmental Quality

October 20, 2014

Mr. Edward Swaim  
Water Resources Division Manager  
Arkansas Natural Resources Commission  
101 East Capitol Avenue, Suite 350  
Little Rock, AR 72201

Dear Mr. Swaim:

Thank you for the opportunity to participate on the development of the State Water Plan. We have reviewed the draft and would like to offer the following comments:

**Section 2.2 Water Availability:** The water needed for maintaining aquatic life uses is not separately addressed in the Key Findings related to Water Availability, although managing water resources in a manner that protects the ecological needs of fish and wildlife is clearly recognized as a goal of the Arkansas Water Plan.

**Section 3.3 Recommendations and Implementation Plan:** The recommendation (#1) and implementation plan (#2) both propose removing the 25% limitation on excess water available for nonriparian withdrawals. The 25% limitation governing the maximum amount of water allocated to nonriparian withdrawals should remain in the law as a limit on nonriparian withdrawals until a more appropriate scientifically-based and stakeholder engaged process is initiated and finalized. This approach will ensure appropriate protection of instream aquatic life uses until the most appropriate allocation is derived.

**Section 3.5 Improving Water Quality through Nonpoint Source Management Priority Issue:** The last sentence of the first paragraph refers to the “ADEQ Pollution Control and Ecology Commission.” The Commission’s correct name is “Arkansas Pollution Control and Ecology Commission.”

**Section 3.5 Recommendations, 2:** The draft for public notice provides:

2. ANRC will collaborate with ADEQ and AGFC through the biennial Clean water (CWA) water quality review processes, and the water quality criteria review to determine the attainment or nonattainment of water quality standards in streams and identify the sources and causes of nonattainment....

ADEQ utilizes all existing and readily available data, including that provided by ANRC, AGFC, and others, to assess water quality for attainment with the water quality standards. ADEQ publishes the 303(d) list of impaired waterbodies, which do not attain the water quality standards. This list is published for public comment and submitted to EPA in the 305(b) Report every two years as required by the CWA and federal regulations. Extensive opportunities for

participating in the Triennial Review of the state's water quality standards are available to interested stakeholders, whether state agencies, members of the regulated community or non-profit organizations, and participation by all interested parties is welcome and necessary as part of the decision-making process. Given that these processes have been established under the federal Clean Water Act and federal regulations, ADEQ has previously commented on this recommendation, and again requests revision. The second recommendation under Section 3.5 should be revised to read as follows:

2. Comments and data will be provided to ADEQ during the biennial Clean Water Act water quality review processes and the triennial water quality criteria review.

**Section 3.5 Implementation Plan, 3:** As previously noted, ADEQ reviews all available data as part of the assessment associated with the 303(d) list. Accordingly, ADEQ requests that you clarify the beginning of #3 to read, "Provide data for evaluation and comments on the Arkansas' Impaired Waterbodies List, required under the CWA Section 303(d), focusing on nonpoint source pollution, and nonpoint source management practices to restore streams to their designated uses and protecting streams currently attaining those uses."

**Section 3.5 Implementation Plan, 4:** ADEQ welcomes participation in the Triennial Review process, including participation on the stakeholder workgroup established before the Triennial Review is formally initiated. Because proposals to change water quality standards should be considered and reviewed by all stakeholders and interested parties, ADEQ requests that you change Implementation Plan #4 to read as follows, "Participate in the Triennial Review of water quality standards, including the stakeholder workgroup proceedings, to ensure that proposals to change water quality criteria support the goal of protecting the quality of Arkansas's waters and those waters' designated uses."

**Table 5-3. Water Agencies in the State of Arkansas:** Water quality standards should be listed under ADEQ and APC&EC instead of the Arkansas Multi-Agency Wetland Planning Team (MAWPT), which is dedicated to promoting wetlands conservation.

Again, I want to thank you for the opportunity to comment on and participate in the revision of the Arkansas Water Plan. The Commission and its staff, CDMSmith, and FTN & Associates did an excellent job of coordinating and conducting the many meetings required to gather and compile public input in the development of the revised Plan.

Sincerely,



Ryan Benefield, P.E.  
Interim Director

cc: Ellen Carpenter, Water Division  
Sarah Clem, Water Division