

Director Keogh
Mr Jim Wise
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, Arkansas 72118-5317

Comment on Draft 2016 303(d) Impaired Waterbodies List

Dear Mr. Wise and Director Keogh,

Please accept my comments on the 303(d) Impaired Waterbodies list.

I am particularly concerned about the exclusion of the three creeks the National Park Service (NPS) requested that ADEQ add to the list as impaired. On October 6, 2015, the NPS sent a letter to Director Keogh asking that Big Creek be included on the 303(d) list of impaired streams due to decreased DO levels assessed by the United States Geological Service (USGS) monitoring. Mill Creek and Bear Creek were also specified by the NPS as polluted and in need of the same status and restoration.

Since Big Creek and Mill Creek are tributaries of the Buffalo National River (BNR) and account for a sizeable volume of its flow, they need to be considered seriously when they show signs of impairment. The BNR is a heavily used primary contact waterway in which people swim, canoe, fish and enjoy themselves from March to October of every year. Some diehards even venture into it during the colder winter months, but the point is that it is an Outstanding Resource Waterway (ORW) significant for its clarity and its safety for primary contact. Big Creek is a blue ribbon Smallmouth Bass stream as well. Low dissolved oxygen (DO) affects the ability of aquatic species to breathe. How will the fish population respond to continued impairment?

I asked Sarah Clem at the 303(d) hearing on March 1st if the Buffalo National River headquarters had been notified or solicited for input into the list, besides just the announcement on the ADEQ website. She responded that ADEQ had indeed reached out to the NPS. If this is true, then the BNR's requests should have been acknowledged. The information on DO that the NPS submitted came from reliable, accurate USGS monitoring. I am asking that this assessment be appreciated as valid and accepted so that ADEQ can get moving on doing something about the pollutants rather than continuing to muddle around in the realm of arbitrary judgment. If ADEQ can't trust the USGS and the NPS, then the director of ADEQ needs to empower employees of ADEQ to put feet on the ground to test and corroborate those agencies' results. It's a pretty sorry state of affairs if one government agency can't reduce redundancy and an information glut by accepting another agency's work and data as accurate.

As for Mill Creek, its history of documented E. coli level violations speaks for itself. ADEQ needs to step up and enforce the cleanup of this dangerous situation. Unwary families on vacation don't suspect the area of the BNR near its Mill Creek confluence to be a threat to their health when they go for a swim.

I was especially chagrined to discover during the March 1st meeting that ADEQ's recommendations for 303(d) listings have not been approved by the Environmental Protection Agency (EPA) since 2008 because of disagreements about compliance with federal standards. It is paramount that ADEQ comply with EPA standards. Since ADEQ doesn't inform the public on its policy or provide details on the analysis or methodology it uses, there is no means for Arkansas citizens to understand the process used to define streams as impaired. Perhaps working to improve the collaboration with the USGS and the NPS could streamline the workload by accepting their valid data and using it to correctly identify water quality problems. Instead of putting up roadblocks to remediation, ADEQ can begin to implement measures to restore the waters of the state.

Arkansas has an abundance of water, a gift that many states envy as their own resources dry up or are squandered through pollution from unregulated waste. I ask that the ADEQ commit to doing the job for which it was created, protecting the environment and the extraordinary waters we are so blessed to enjoy. I ask that ADEQ take action and include on the impaired 303 (d) list the tributaries requested by the NPS, and then take the initiative by collaborating to work on their restoration.

Thank you,

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