

Good Morning Commissioners,

My name is Teresa Turk and I am speaking today as a private citizen. Thank you for the opportunity for me to provide a condensed version of my concerns that were recently communicated to the EPA.

The Buffalo National River is the nation's first national river established in 1972. In 2015, the Buffalo National River received 1.46 million visitors who spent over \$62 million dollars and employed 969 people to provide meals, outfitting services, cabins, gas and groceries for visitors to the river.

EPA has delegated authority to ADEQ to enforce the Clean Water Act. ADEQ has developed the most protective designation labeled Extraordinary Resource Water (ERW). The ERW designation appears to be equivalent to the Outstanding National Resource Waters category under the CWA. According to ADEQ the ERW designation is defined as "(The) beneficial use is a combination of the chemical, physical and biological characteristics of a waterbody and its watershed which is characterized by scenic beauty, aesthetics, scientific values, broad scope recreation potential and intangible social values." That definition embodies the Buffalo National River which is designated an ERW. Yet, according to Director Keogh's statement on March 29th at the Arkansas legislative committee hearing, the tributaries of the Buffalo National River are not considered an ERW.

I respectfully disagree with Director Keogh and ADEQ's interpretation of the CWA. The Anti-degradation Act (40 CFR 131.12 (a) 3) states "where high quality waters constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance, that water quality shall be maintained and protected". Our understanding is that waters must be protected at a level reflecting the highest use achieved since November 1975. Although ADEQ has an anti-degradation policy that closely mimics the CWA, currently ADEQ does not have an implementation review process nor established criteria as part of its Anti-Degradation policy. I contend that the tributaries of the Buffalo National River are protected under the CWA's Anti-Degradation Act and that ADEQ is delinquent in its responsibility to develop Anti-Degradation Act implementation procedures and standards.

In October 2015, the NPS submitted a request for three tributaries of the BNR to be listed as impaired and placed on the 303(d) list. Bear Creek has chronic low dissolved oxygen. Mill Creek and Big Creek (Newton County) have high E. coli readings. Upon receiving the NPS letter, ADEQ said the NPS lab was not certified and therefore they could not use the data. EPA delegated authority to states to determine certification requirements for their state. According to Arkansas Code Annotated 8-2-201 titled "State Environmental Laboratory Certification", the NPS is exempt from this requirement.

Big Creek, where the C&H hog operation is located has multiple agencies monitoring its water quality. There are two USGS gauging stations that record at 15 minute intervals up to nine different parameters (e.g., DO, pH, nitrates, water temperature, etc.); the NPS has three weekly water quality collection sites; the Big Creek Research and Extension Team-BCRET has two

weekly water quality collection sites-one upstream of the C&H manure spreading fields and one below C&H; and there is the KBNR group that collects water samples on an intermittent basis. Big Creek (Newton County) is likely the most studied stream in the state of Arkansas.

Recent analysis of the data from the BCRET project during the 303(d) period of record supported the NPS findings that Big Creek experienced significant impairment particularly in 2014. Using ADEQ's ERW limit in the primary recreational season (Regulation 2.507) for E.coli, at the BCRET Station BC 7 downstream of C&H, the levels exceeded the geometric mean standard of 126 colonies per 100ml, 76% of the time or 13 of 17 geometric mean values. Using the individual grab sample for ERW and non-ERW limits, the standard was exceeded 33% of the time during the 2014 primary contact season. Similarly at the BCRET site 6 upstream from C&H, during the primary contact season of 2014 the geometric mean for E. coli was exceeded 71% of the time or 12 of 17 geometric mean values. Using the single grab sample of the ERW standard, E.coli levels were exceeded 8 out of 21 samples for 38% of the time and using the less protection, non-ERW standard, E.coli levels were exceeded 6 out of 21 samples or 29% of the time.

Although a large body of data has been available to the state, ADEQ has declined to include Big Creek (Newton County) on the 303(d) list and relegated this imperiled stream to a category 3 due to insufficient data. ADEQ went further to say that 2014 was an anomalous year, despite more recent data outside the period of record that indicates E. coli levels continue to be exceeded.

Similarly ADEQ has declined to list Mill Creek on the list of impaired streams citing that the National Park Service was not a certified lab until very recently.

Data from the USGS station (USGS 07055814) located inside the BNR boundary also indicated chronic low dissolved oxygen readings. ADEQ ignored these data citing that they had no methodology available to assimilate or assess continuous data.

ADEQ's responses to this information are inadequate, inappropriate and NOT consistent with ADEQ's mission statement "...to protect, enhance, and restore the natural environment for the well-being of all Arkansans"

The Buffalo National River and its tributaries by its very status should have the most protective and highest water quality standards available in the country. These most protective standards are needed to ensure that the over 1.4 million visitors to the Buffalo National River each year do not become ill due to poor water quality of the river or its tributaries. The river is the sum of its tributaries. By not protecting the entire watershed, the river, its resources and the people who recreate on this national treasure are at risk.

I ask that you request ADEQ to develop an implementation review process, establish procedures for determining baseline water quality (BWQ), develop anti-degradation criteria and standards, and establish sound scientific approaches for assessing water quality degradation.

Finally, I ask you to request ADEQ to review its interpretation of an ERW stream so that its tributaries are afforded the same protections as the river. A river is the sum of its tributaries, please do not let ADEQ ignore or forget this fact.