

ADEQ description:

<https://www.adeg.state.ar.us/water/CPP/>

### **How CPP/AIM fit with Reg 2:**

They are like the piers or supports that Reg 2 is standing on. CPP is like the handbook for when an entity like a water treatment plant wants to gain an NPDES permit. CPP includes calculations for pretreatment of wastes and other pollutants of concern before they can be released into waterways.

**Reg 2** is where all the binding regs for water quality standards reside. For instance, Tier 1, 2, 3 stream allowances for EColi, Dissolved Oxygen (DO), etc. For example, at present a primary contact, Tier 3 stream has an EColi limit of 298 for a single grab sample. All other limits for DO, Mercury, etc., are located in Regulation 2. There are no numeric nutrient state regulations on phosphorus which is increasingly a notable problem. Only the Illinois River watershed has a limit (and that only because of the lawsuit from Oklahoma). The Oklahoma limit is .037 ml/l in a scenic river.

Reg 2 has mainly narrative, not numerical criteria which are hard to defend or substantiate legally. Since Reg 2 is the only legally binding document for water quality that AR has, numerical standards need to be set.

**CPP/AIM** working group had several meetings, but members from twenty state agencies, BNR, and business/industry representatives were silent during these. Only AR Game and Fish, Beaver Water District and the environmental representatives spoke and made suggestions. CPP hasn't been updated in 20 years and the current draft is pretty much a rubber stamping of the old CPP.

EPA requires an Antidegradation Implementation Methodology from all states since 1987. Arkansas is one of two that has never created one, and has been out of compliance for 34 years. When the draft was released it did not include a single input or comment from these members despite suggestions with knowledgeable input from members Teresa, David Peterson, Ross Noland, Colene Gaston, Ellen Carpenter, AR Fish and Game, and Jesse Green. EPA has provided comments on the draft as well.

**Antidegradation Implementation Methodology (AIM)** applies only to NPDES (National Pollution Discharge Elimination System)

<https://www.epa.gov/npdes/npdes-permit-basics>

For instance, Reg 5 permits for swine CAFOs would be state permits, not covered by the Reg 6 NPDES rules.

In the draft proposal when an NPDES wastewater permit comes up for renewal in Arkansas, if they have not made any changes such as an increase in volume, treatment, etc. they wouldn't be subject to review, but would be grandfathered in automatically, regardless of any changes in the condition of the water quality of the stream or waterway into which they release their flow.

In 1987 when the Clean Water Act was created the main pollutants were point source, such as waste water treatment plants, and nonpoint sources such as CAFOs were so few that they were not considered a threat to water quality.

For Arkansas this would be the first shot at taking into account the actual condition of the receiving water itself.

There are several other measures that are not included such as:

- The **AIM** is not binding in regulation, it is more of a guidance/procedural document
- Does not address non-point source pollution
- Does not provide a safeguard or buffer for assimilative capacity. There are huge uncertainties in modeling especially with climate change. The AIM does not allow for uncertainties such as providing a 20% buffer.