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WHITE RIVER WATERKEEPER®

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2 June 2017

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**RE: Draft Renewal of Discharge Permit Number AR0034088 – AFIN 51-00011**

This permit should be denied on the basis that it is blatantly apparent the facility is defunct and out of compliance<sup>12</sup>. While I understand the reality of the matter, even if ADEQ denies this permit, that toilets will still be flushed and the sanitary sewer will continue to fail and leak all the same. I also understand that clearly, the town of Marble Falls and the state have not been successful in securing sufficient funds to address necessary improvements at the facility, but that doesn't warrant issuing a permit for the facility as if they are in compliance. By issuing AR0034088, ADEQ is making a statement that there are no longer any needs to be addressed and it makes it easier for the state to turn a blind eye to the apparent issues.

Since the facility has reported there have been no discharges from the WWTP the past two years<sup>3</sup>, it seems that issuing the permit renewal would be a mistake because either:

- a) The facility has poor monitoring and reporting habits and is therefore in violation<sup>4</sup>, or
- b) The facility is no longer processing wastewater, in which case there is no need for a permit.

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<sup>1</sup> See Compliance Review

[https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0034088\\_Co Compliance%20Review\\_20170103.pdf](https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0034088_Co Compliance%20Review_20170103.pdf)

<sup>2</sup> If the facility is not discharging any waste, as reported for the past two years, then the permittee should be submitting reports of “release or diversion of sewage from a sanitary sewer collection system”. See page 2 of Part II of current permit AR0034088

<https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/Permits/AR0034088.pdf>

<sup>3</sup> See page. 3 of EPA Form 3510-2A

[https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0034088\\_Co mplete%20Renewal%20Application\\_20160623.pdf](https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0034088_Co mplete%20Renewal%20Application_20160623.pdf)

<sup>4</sup> See page 1 of Part IA of current permit AR0034088

<https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/Permits/AR0034088.pdf>

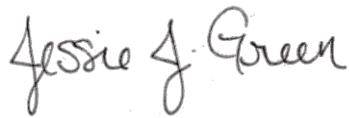
If this is not the case, please provide a detailed explanation.

Also, it seems unlikely that the facility is capable of meeting its permit limit for fecal coliform<sup>56</sup>; however, it is difficult to ascertain given the differences in monitoring and reporting requirements and effluent limitations<sup>7</sup>. It is recommended that monitoring and reporting requirements be of sufficient frequency that would allow compliance with discharge limitations to be monitored<sup>8</sup>. Please provide an explanation of how ADEQ currently evaluates compliance given these discrepancies.

As the chairperson of the Beautiful Buffalo River Action Committee, Director Keogh could use this opportunity to bring the failing and out of compliance SID to the other committee members and stakeholders as an example of areas that need to be addressed within the Buffalo River watershed. The only thing that issuing this permit accomplishes is passing the buck to the next administration to figure out.

Having tried to delve into the literature surrounding the attempted Marble Falls SID improvements and issues surrounding this facility while I was at ADEQ in an attempt to facilitate educated guesses on the best place to site Mill Creek *E. coli* monitoring locations – I’m fairly up to speed on the issues surrounding this permit. As the Buffalo River is an initial focus of White River Waterkeeper, I’m also incredibly interested in joining the efforts to come up with solutions for this facility. Please keep me in mind if a work group or task force of sorts is formed to address this facility.

Thank you for allowing me this opportunity to provide these public comments.



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<sup>5</sup> See page 6 of EPA Form 3510-2A

<sup>6</sup> See page 1 of Part IA, Draft Permit AR0034088

[https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PN/AR0034088\\_PN%20of%20Renewal%20Permit\\_20170503.pdf](https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PN/AR0034088_PN%20of%20Renewal%20Permit_20170503.pdf)

<sup>7</sup> *Id.*

<sup>8</sup> As an example, CBOD5 is only required to be monitored and reported at a frequency of once/quarter; however, discharge limitations are based on 7-Day Averages and Monthly Averages.