RETYPED COPY OF LETTER FROM EPA DALLAS OFFICE TO JARRELL SOUTHALL - ORIGINAL ON EPA LETTERHEAD.

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Mr. Jarrell E. Southall, Director
Arkansas Department of Pollution
Control & Ecology
8001 National Drive
Little Rock, Arkansas 72209

Dear Mr. Southall:

We have completed our review of Chapter VI, "Water Quality Standards", of the Arkansas Statewide Water Quality Management Plan and offer the following comments:

1. Section 2 - Non-Degradation Policy

A non-degradation policy is an extremely vital part of any water quality standards as it is the mechanism by which waters of high quality are protected. The Environmental Protection Agency (EPA) has recognized this fact and has developed regulations (40 SER, 36.1550 (s)) that require the development of such a policy. Paragraph 35.1550(e) (2) allows streams that have quality exceeding that recognized by the water quality standards to be degraded only if justifiable as a result of necessary economic and social development. In such cases this paragraph also states that, "In no event may degradation of water quality in any stream interfere with or become injurious to existing in-stream water uses". This is a vital part of the non-degradation policy. We regret that the Commission on Pollution Control and Ecology has seen fit to remove such a statement from the proposed revision to the Arkansas Water Quality Standards. Without such a statement it would not be possible for EPA to accept the proposed non-degradation statement.

2. Section 3 - Use Classifications

It is our interpretation from this section (Section 3 (a) and (b)) the ephemeral streams, intermittent streams and man-made water courses have the following beneficial uses:

1) Propagation of desirable species of aquatic biota and;
2) Recreational uses in and/or on the water

Furthermore, all specific standards that support these beneficial uses also apply to ephemeral streams, intermittent streams and man-made watercourses.

It should be specifically indicated in the standards what the beneficial uses are for the intermittent and ephemeral streams and for man-made watercourses.

3. Section 4 - General Standards

We recommend that the following narrative standards found in Section 5 be placed in Section 4:

1) Color - Section 5 (b)
2) Taste & Odor - Section 5 (d)
3) Solids, Floating Materials, and Deposits - Section 5 (e)
4) Oil & Grease - Section 5 (f)
5) Toxic Substances, first sentence only - Section 5 (k)

We recommend the addition of the following narrative standard to the above list:

> All waters shall be free from substances attributed to man-caused point or non-point source discharges in concentrations that produce undesirable aquatic life or result in the dominance of nuisance species.

At a minimum all the above general standards are applicable to all waters of the state, at all times.

Section 4(b) - Mixing Zones

We recommend the addition of the following:

> Concentrations of toxic substances within a mixing zone shall not exceed their 95 hour L050.

Section 4(c) - Ephemeral streams

We recommend the following sentence be added under Ephemeral Streams:

Discharges into ephemeral streams shall not pose a potential human health threat, adversely impact ground water, or create a nuisance.

Section 4(d) - Intermittent Streams

We recommend the following sentence addition:

> Discharges shall not create a nuisance in intermittent streams.

Section 4 (e) - Man-made Water Courses

We recommend the following sentence be added:

> Discharges to man-made water courses shall not create a nuisance or adversely impact ground waters.

4. Section 5 - Specific Standards

Section 5(a) Temperature

Although no changes have been proposed for the temperature standard, we feel that it is necessary to reevaluate available data to determine if the current standards are still applicable. Therefore, we request that you provide us with your most recent temperature data (1974 - present) for each of the twelve (12) segments listed in this section. In addition, we must have a rationale for any segment that is excluded from the 90°F standard.

Section 5(k) Toxic Substances

As expressed in our May 3, 1978, letter the toxic criteria in the Arkansas Water Quality Standards are general in nature and not as protective as the values found in the Quality Criteria for Water (1976).

We continue to recommend that, as a minimum, you include the following toxic criteria in your 1978 revisions:

Pcb's	.001 ug/1
Aldrin/dieldim	.003 ug/1
DDT	.001 ug/1
Endrin	.004 ug/1
Toxaphene	.005 ug/1
Benzidine	.1 ug/1

We understand that there is some concern that the above values and others in the Quality Criteria for Water (1976)will change as a result of the current EPA Toxic Criteria development program. We have spoken with our headquarters staff and have confirmed our belief that any changes that result from the criteria development program will be changes of a more stringent nature. Therefore, adoption of the above criteria and any additional Quality Criteria for Water values you believe are of serious or potential problems in your state would be an appropriate interim measure. This would also provide background information for adoption at a later time of more stringent values, if necessary.

5. Appendix A

1. Please provide us, if possible, with a list of these ephemeral streams, intermittent streams, and man-made water courses that do not have the beneficial stream uses associated with "Class A" or "Class B streams."

In addition, please indicate the beneficial uses that these streams have.

2. We cannot, at this time, concur in any change to the Arkansas Water Quality Standards that would remove standards from Coffee Creek. Several court cases have concluded that any stream or stream channel that is a tributary to a publicly owned stream is considered as waters of the United States and must have beneficial uses assigned as well as criteria to protect these uses. We realize the problem facing these dischargers to Coffee Creek but feel that there are more acceptable means to solving their problems.

3. We request that you review the exceptions found on pages VIII and IX of the standards to determine their applicability, perticularly in light of the proposed intermittent stream policy. These streams for which an exception or exceptions would still be necessary will require a justification inlcuding all supporting data (three (3) to five (5) years data at a minimum).

6. General Comments

1) Prestructure standards
2) Add a definition section, including a definition for man-made water courses.
3) Replace the TLM with L050.

I hope that these comments will be helpful in preparing final revisions to your water quality standards. If you have any questions, please contact me at 729-2524 (FTS).

Sincerely yours,

Billy T. Black
Acting Chief, Arkansas/Louisiana Section (6AMPA)

cc: Johnny Bowen
ADPCE