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TREY LAM
EXECUTIVE DIRECTOR

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January 19, 2021

Terry Liu, PE
Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR, 72118

Re: Northwest Arkansas Conservation Authority (NACA) – Regional Wastewater Treatment Facility;
NPDES Permit #: ARO050024-AFIN: 04-01986

Dear Mr. Liu,

The Oklahoma Conservation Commission (OCC) appreciates the opportunity to review the draft permit application for the NACA plant. As Oklahoma and Arkansas work together to protect the Illinois River Basin, progress on updating permits on both sides of the border is one important aspect. Because the states have agreed to work cooperatively on addressing water quality impairments without the regulatory burden of a TMDL, it is even more important that actions both states pursue to reduce pollutant loading to the basin actually result in reduced loading and improved water quality.

Overall, the OCC must commend ADEQ for the development of this permit update as it is, in general, well designed and in most basins, would be protective of the water resources. However, in this basin, with this plant, we do have a few significant concerns related to proposed changes with this permit.

First and foremost, the OCC cannot support increasing the total phosphorus (TP) effluent limit from 0.1 to 0.5 mg/L. This will increase the allowable TP load by a factor of ten. This basin already consistently fails to meet water quality standards at the state line and our first efforts to update permits in more than a decade should not allow for loading to increase by a factor of ten from any source. This facility is anticipated to grow in the future, given expected growth in the region, meaning that increasing allowable loading by an order of magnitude is only the beginning. Although we understand that this proposed increase is intended to be made up for in the fact that additional discharges with higher limits will be combined with NACA and therefore, supposedly reduce overall loading, we would argue that NACA has always been intended to be a regional plant and one reason it was initially permitted was because it represented a ten-fold reduction in effluent limits above the then nearly twenty year old best available technology at the Tahlequah discharge. Regionalization was always intended at the 0.1 mg/L limit.

Also, NACA has been intended as a regional plant from its inception with at least ten cities envisioned as ultimately using the plant, but more than a decade after it began operation, only a handful of communities have been regionalized. Therefore, the argument that this increased permit concentration will result in decreased loading in the future when more communities sign on to NACA is based on conjecture. The documentation provided has not shown us how revision of this increase in loading will result in water quality standards attainment but instead suggests that it will become more difficult. We therefore do not agree that this meets the anti-backsliding requirements.

Finally, we appreciate that infrastructure and infrastructure maintenance is costly. However, given that northwest Arkansas has been and is expected to remain as one of the most rapidly growing areas of the country, the need for additional infrastructure is based at least as much on growth as it is on age or outdated technologies. The capital and maintenance costs of technologies required to meet the 0.1 mg/L effluent (roughly \$2.75 million plus an annual \$114K in maintenance) are a small fraction of what was originally intended to be a \$64 million dollar plant to service Bentonville, Centerton, Highfill, and Tontitown.

The OCC greatly appreciates the efforts that Arkansas partners are making to protect our shared resources and we believe that there will be many additional opportunities where we can compromise and cooperate on shared efforts to protect the resource. However this permit is not a place where we can lower our standards. Thank you for the opportunity to review and comment on the permit.

Sincerely,

A handwritten signature in black ink that reads "Trey Lam". The signature is written in a cursive, slightly slanted style.

Trey Lam
Executive Director