

**Increasing Community Meaningful Involvement and Understanding
of Permitting Process at Arkansas Department of Energy &
Environment, Division of Environmental Quality**

A Report Outlining Steps
Taken in Satisfying the
Commitments provided in the
Informal Resolution Agreement
entered into to Resolve Title VI
Complaint No 27R-16-R6.

Introduction

On January 8, 2021, DEQ and the U.S. Environmental Protection Agency, External Civil Rights Compliance Office (ECRCO) resolved EPA Complaint NO.27R-16-R6 by entering into an Informal Resolution Agreement (Agreement) between ECRCO and DEQ. Following ECRCO's investigation of Title VI Complaint No 27R-16-R6, DEQ and ECRCO agreed to enter into this Agreement. DEQ is committed to carrying out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI, as well as the other federal non-discrimination laws enforced by EPA, and 40 C.F.R. Parts 5 and 7. Therefore, DEQ has voluntarily agreed to undertake specific commitments outlined in the Agreement. This report provides steps that DEQ has taken to satisfy each commitment. This document is a living document and will continue to evolve as action is taken as required by the various commitments.

Informal Resolution Agreement Commitments' Updates

a. Commitment A

Commitment A provides that "DEQ will respond to EPA's comments on Mossy Lake and Coffee Creek prior to its final submission of Rule 2 to the Arkansas Pollution control and Ecology Commission for the current water quality standards triennial revisions. DEQ's response will address the reevaluation of appropriate designated uses specific to Coffee Creek and Mossy Lake consistent with the CWA and federal regulations and in compliance with Arkansas law."

b. Commitment B

Commitment B provides that "As part of DEQ's public participation process for the next interim or triennial review of water quality standards, DEQ will include EPA and a participant to represent the West Crossett community as a member of the triennial review stakeholder work group. DEQ's triennial review stakeholder work group provides a forum for public input on the development of revised water quality standards."

c. Commitment C

Commitment C provides that DEQ will review Georgia-Pacific Crossett LLC's NPDES compliance status. "DEQ will designate a specific task force to review Georgia Pacific's sampling and analysis including a review of the supporting lab results. As is DEQ's current process, DEQ will for two (2) years continue to review all wastewater sampling and analysis performed by Georgia-Pacific Crossett under the requirements of its NPDES permit. During the

next twenty-four months, DEQ will request four (4) split samples from Georgia Pacific Crossett LLC to be sent to an accredited lab selected by DEQ and DEQ will witness the sampling event. DEQ will request that two of the four split samples include samples taken from the discharge from Mossy Lake in addition to the discharge from the Aeration Basin. DEQ will post the wastewater sampling analytical results on its website within 60 days of receipt of the analytics.”

Summary of Action Steps Taken:

- DEQ’s Office of Water Quality (OWQ) is providing assistance with commitments A-C and F. See Exhibits 1-5. OWQ provided a response that included steps OWQ has taken and steps it planned to take.
- Commitment A
 - The Office of Water Quality has provided the response to EPA’s comments on Coffee Creek and Mossy Lake. Pursuant to the Informal Resolution Agreement, the response to comments was sent to Lilian Dorka on August 4, 2021. See Exhibits 1 and 2.
- Commitment B
 - In accordance with OWQ’s past practice in seeking a community representative, DEQ has reached out to the Mayor of Crossett and the County Judge for a recommendation for a community representative who would participate in the triennial review stake holder work group. OWQ staff is currently working to develop recommendations for its list of potential members of the future stakeholder work group. The Mayor’s and the County Judge’s recommendation will help OWQ complete its recommendations.
- Commitment C
 - OWQ sent correspondence to GP to inform GP of the specific requirements of the spilt sampling events. OWQ identified the individuals from the inspection staff who will witness the spilt sampling events: Compliance Branch Manager Jason Bolenbaugh, Inspector Supervisor Kerri McCabe, Inspector Brittani Gloyd, and Inspector Michael Young.
 - The task force to review all wastewater sampling and analysis performed by Georgia-Pacific Crossett under the requirements of its NPDES permit consists of an Enforcement Analyst, Enforcement Coordinator, Permit Engineer, and a Compliance Inspector or Inspector Supervisor.
 - The task force will report its findings to the Assistant Director for the Office of Water Quality and the Director of DEQ.
 - Correspondence resulting from that review will be attached to this report and posted to the website within 60 days of DEQ receiving the analytics.

Exhibit 1: Email sent to Lilian Dorka of DEQ's response to EPA's comments On Coffee Creek and Mossy Lake

Randolph, Shay

From: Dorka, Lilian <Dorka.Lilian@epa.gov>
Sent: Wednesday, August 4, 2021 12:41 PM
To: Randolph, Shay
Cc: Hicks, Basil; McAlister, Michael; Temple, Kurt; Rhines, Dale; Covington, Jeryl; Khan, Zahra; Moncrieffe, Marcia
Subject: RE: EPA Complaint No. 27R-16-R6, DEQ's Response to EPA's comments on Coffee Creek and Mossy Lake
Attachments: Response to EPA Comment on CC and ML.pdf

Thanks Shay and hope our AR colleagues are all doing well. Also adding the rest of our case team here. We will take a look and let you know if we have any questions. Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell
Pronouns: she/her/hers

From: Randolph, Shay <shay.randolph@adeq.state.ar.us>
Sent: Wednesday, August 4, 2021 1:28 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Hicks, Basil <hicks@adeq.state.ar.us>; mcalister <mcalister@adeq.state.ar.us>
Subject: EPA Complaint No. 27R-16-R6, DEQ's Response to EPA's comments on Coffee Creek and Mossy Lake

Good afternoon,

I hope all is well. Pursuant to the Informal Resolution Agreement resolving EPA Complaint No. 27R-16-R6, attached is DEQ's response to comments in compliance with Section III commitment A. Please see the pdf for DEQ's response to EPA's comments on Coffee Creek and Mossy Lake. The response will be included with the final submission of Rule 2 to the Arkansas Pollution Control and Ecology Commission ("Commission").

Best,

Shay Randolph | Special Counsel for Environmental Justice | Title VI Coordinator
Arkansas Energy and Environment | **Office of Chief Counsel**
[5301 Northshore Drive | North Little Rock, AR 72118-5317](#)
501.682.0801 | shay.randolph@adeq.state.ar.us



Exhibit 2: DEQ's response to EPA's comments on Coffee Creek and Mossy Lake

EPA Comment: Coffee Creek and Mossy Lake The EPA and the ADEQ have discussed concerns related to removal of Gulf Coastal designated uses for Coffee Creek and Mossy Lake that was approved by the EPA in the early 1980s as it relates to the requirements in the federal regulation at 40 CFR 131.10 and 131.20(a). Given the regulatory requirements, in an effort to determine the appropriate uses for Coffee Creek and Mossy Lake, the EPA funded a use attainability analysis (UAA) in 2007 that was developed by Parsons Engineering and the University of Arkansas Ecological Engineering Group to determine if the "no aquatic life use" designation for Coffee Creek and Mossy Lake is appropriate.

The Parsons UAA indicates Coffee Creek and Mossy Lake have the potential to support the state's Gulf Coastal aquatic life use but that the Georgia-Pacific Crossett discharge effects both habitat and aquatic life in Coffee Creek and Mossy Lake. A subsequent UAA developed by AquAeTer Environmental Engineering in 2013 on behalf of Georgia-Pacific did not refute these findings but recommended the development of a seasonal Gulf Coastal aquatic life use.

The ADEQ appears to have considered the AquAeTer UAA recommendations and likely its own analysis and proposed a seasonal Gulf Coastal ecoregion aquatic life use for portions of Coffee Creek as part of its 2019 triennial revisions as required by 40 CFR 131.10 and 131.20(a). However, the ADEQ's initial proposed revisions were limited to the addition of a "...seasonal Gulf Coastal ecoregion aquatic life use, but its application was limited to the historic channel of Coffee Creek upstream of Georgia Pacific's Mossy Lake Treatment Unit from N33.057, W092.055 to N33.094, W092.04 and the remaining upstream portion of the historic channel from N33.112, W092.013 to N33.119, W091.995." In our October 31, 2019 letter, the EPA provided comments and recommendations regarding this proposed revision, noting that it did not include seasonal uses that would apply to the entirety of Coffee Creek and Mossy Lake or appropriate CWA Sec. 101(a)(2) uses that would apply to these waters during the remainder of the year. These initial comments also referred to the requirements found in the federal regulations.

As part of Arkansas's water quality standards revisions process, the ADEQ has since provided its proposed revisions to Reg. 2, now Rule 2, to the Governor's Office for review. Following that review, the ADEQ petitioned the Arkansas Pollution Control and Ecology Commission (Commission) to adopt the revisions proposed by the Water Quality Planning Branch. However, the proposed revisions to Rule 2 that were brought before the Commission during its July 29, 2020 hearing no longer included the previously proposed seasonal use for the portions of Coffee Creek referred to in the ADEQ's initial proposed revisions and did not include uses consistent with CWA Sec. 101(a)(2) or Rule 2.102 and 2.302 for the Coffee Creek or Mossy Lake. In response, the EPA again recommends that Commission adopt uses consistent with CWA Sec. 101(a)(2) and Arkansas's own Rule 2.102 for the entirety of Coffee Creek and Mossy Lake and again reiterates the CWA requirements and those in the federal regulations at 40 CFR 131.10 and 40 CFR 131.20(a). See the EPA's October 2019 comments in **Attachment 4**.

DEQ Response: EPA “recommends that Commission adopt uses consistent with CWA Sec. 101(a)(2) and Arkansas’s own Rule 2.102 for the entirety of Coffee Creek and Mossy Lake” and supports that recommendation by referencing the UAAs from 2008 and 2013.

After reviewing the historical records related to Coffee Creek, DEQ has determined that the “entirety of Coffee Creek” as referenced in Rule 2 clearly refers to that portion of Coffee Creek that is dominated by GP’s effluent. (Arkansas’s 1973 Water Quality Standards.)

The State of Arkansas’s 1973 Water Quality Standards did not define a particular segment of “Coffee Creek.” It simply classified “Coffee Creek” as having no primary contact recreation and fishery designated uses because the flow of Coffee Creek was dominated by GP’s effluent. At that time, the only section of “Coffee Creek” that was dominated by GP’s effluent was Coffee Creek below Mossy Lake.

Around 1970, GP constructed a concrete conveyance to Mossy Lake that separated its effluent from the historic creek bed that existed above Mossy Lake. The 1984 UAA states that “[t]he Mossy Lake/Coffee Creek System has been used as an integral part of the wastewater treatment system of the Georgia-Pacific manufacturing complex in Crossett, Arkansas since the turn of the century.” The 1984 UAA identifies the historic creek bed above Mossy Lake as an “abandoned creek channel along the effluent system.” The 1984 UAA also indicated that the flow of “Coffee Creek,” in the absence of effluent, was intermittent in nature. In EPA’s 1986 permit, Coffee Creek below Mossy Lake is the receiving stream for GP’s effluent.

Based on these facts, DEQ has concluded that the original reference to Coffee Creek in Rule 2 requires further clarification. The confusion about how to describe “Coffee Creek” begins when the 1984 UAA appears to refer to parts of GP’s wastewater treatment system as part of Coffee Creek.¹ EPA’s comments indicate that this confusion has continued even after EPA issued its 1986 permit that authorized a discharge to Coffee Creek below Mossy Lake.

Pursuant to 40 C.F.R. § 120.2, waste treatment systems² are not waters of the United States. Georgia Pacific’s waste treatment system cannot be described as waters of the United States, and DEQ does not have the authority to designate a part of Georgia Pacific’s waste treatment system as waters of the United States.

The “entirety of Coffee Creek” that is both dominated by GP’s effluent and a water of the United States is limited to Coffee Creek below Mossy Lake. Therefore, Coffee Creek below Mossy Lake is the only extent portion of Coffee Creek that is potentially subject to having designated uses under Section 101(a)(2) of the Clean Water Act.

As a point of further clarification, EPA did not approve the removal of any designated uses from Coffee Creek or Mossy Lake in the 1980s because (1) Coffee Creek has not had primary contact

¹ EPA approved the 1984 UAA in 1988.

² Waste Treatment Systems include “all components, including lagoons and treatment ponds (such as settling or cooling ponds), designed to either convey or retain, concentrate, settle, reduce, or remove pollutants, either actively or passively, from wastewater prior to discharge (or eliminating any such discharge)” 40 C.F.R. § 120.2.

recreation and fishery designated uses since 1973, meaning that there were no designated uses to remove,³ and (2) EPA permitted a discharge from Mossy Lake by NPDES permits that EPA issued in 1974, 1986, and 1991, an action that excluded Mossy Lake from the definition of Waters of the United States as defined by 40 C.F.R. § 120.2.⁴ This waste treatment system exclusion is intended to exclude waters that are incorporated in an NPDES permit as part of a treatment system when the discharges from the system meet the requirements of that NPDES permit and the CWA. (*In Re Arizona Public Service Co.*, NPDES Appeal No.19-06 at p.271.) Excluding Mossy Lake from waters of the United States is consistent with the NPDES permits issued to GP by EPA and DEQ. Discharges from Mossy Lake are required to meet water quality based effluent limits, and the discharges from Mossy Lake do meet those limits. EPA's comments and recommendations regarding uses under Section 101(a)(2) of the Clean Water Act that would apply to "Mossy Lake" appear to run counter to 40 C.F.R. § 120.2.

The only remaining segment of Coffee Creek that DEQ is required to evaluate for potential uses under Section 101(a)(2) of the Clean Water Act is Coffee Creek below Mossy Lake. At this time, DEQ does not propose to amend the existing uses for the segment of Coffee Creek from below Mossy Lake to the Ouachita River. The 2008 and 2013 UAAs did not focus on this section, and the changes at GP's facility have made those UAAs irrelevant because they do not reflect current conditions.

The 2008 and 2013 UAAs do not clearly support adding an aquatic life use for that section of Coffee Creek that is independent of its connection to the Ouachita River. Both UAAs acknowledge that conditions in Coffee Creek below Mossy Lake are influenced by the Ouachita River. The 2008 UAA stated that "Coffee Creek below Mossy Lake is likely to sustain a viable and diverse aquatic community within the back waters of the Ouachita River." The 2013 UAA stated that for Coffee Creek below Mossy Lake, "[the sampling site] is directly connected to the Ouachita River and fisheries found here have migrated from the Ouachita River the short distance up to [the sampling site]." As a result, DEQ cannot rely on those UAAs to support a change at this time.

In addition, when the Ouachita River inundates portions of Coffee Creek, the water body remains the Ouachita River because that represents the conditions that occur in a typical year. When the Ouachita River inundates Mossy Lake, the water body remains the Ouachita River and Mossy Lake is temporally unable to function as part of Georgia Pacific's waste treatment system. DEQ will address discharges from Georgia Pacific's waste treatment system to the Ouachita River when it issues the renewal for NPDES Permit No. AR0001210.

Finally, Georgia Pacific closed about half of its operations at the Crossett facility in 2019. This closure has changed the character of the wastewater entering Georgia Pacific's waste treatment

³ Since 1973, the State of Arkansas's Water Quality Standards identify Coffee Creek as a water of the state that does not have primary contact recreation and fishery uses. Since EPA first approved the State of Arkansas's Water Quality Standards, Coffee Creek has not had primary contact recreation and fishery uses. Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, dated March 27, 2020, <https://www.epa.gov/wqs-tech/water-quality-standards-regulations-arkansas#state>

⁴ These EPA-issued permits are on DEQ's PDS under NPDES Permit No. AR0001210

system. As a result, DEQ cannot rely on the old UAAs to establish the conditions in Coffee Creek below Mossy Lake.

DEQ acknowledges that the State of Arkansas's Water Quality Standards do not fully capture this regulatory history or provide a proper description of "Coffee Creek" or "Mossy Lake." The State of Arkansas's Water Quality Standards should be clarified to provide an accurate description of Coffee Creek and Mossy Lake.

In response to EPA's comment, DEQ proposes to make the following changes:

- 1) DEQ proposes to amend Rule 2 by adding a footnote that states "Coffee Creek" for purposes of Rule 2 is defined as Coffee Creek from below Mossy Lake to the Ouachita River.
- 2) DEQ proposes to amend Rule 2 by adding a footnote that states Mossy Lake is excluded from the waters of the United States as defined by 40 C.F.R. § 120.2 because it functions as a component of GP's waste treatment system.

The two segments of "Coffee Creek" above Mossy Lake that are connected by GP's stormwater conveyance are not influenced by GP's wastewater, and, for that reason, those segments have the aquatic life use that is appropriate for similar water bodies in that ecoregion. DEQ proposes to clarify Rule 2 on this point in a future rulemaking if necessary, but DEQ does not propose to add a domestic water supply use to these segments.

Although DEQ is not proposing to amend the existing uses for the segment of Coffee Creek from below Mossy Lake to the Ouachita River, DEQ is committed to working with GP and EPA to develop an appropriate understanding of the conditions in that one half-mile section of Coffee Creek and propose appropriate uses.

Exhibit 3: OWQ Request for Assistance Letter

11 February 2021

Good afternoon,

This letter is to inform the Office of Water Quality that on January 8, 2021, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) resolved EPA Complaint NO.27R-16-R6 by entering into an Informal Resolution Agreement (Agreement) between the EPA and the Arkansas Department of Energy and Environment, Division of Environmental Quality.

There are three specific commitments that will require assistance from the Office of Water Quality:

- A. DEQ will respond to EPA's comments on Mossy Lake and Coffee Creek prior to its final submission of Rule 2 to the Arkansas Pollution Control and Ecology Commission for the current water quality standards triennial revisions. DEQ's response will address the reevaluation of appropriate designated uses specific to Coffee Creek and Mossy Lake consistent with the CWA and federal regulations and in compliance with Arkansas law.
- B. As part of DEQ's public participation process for the next interim or triennial review of water quality standards, DEQ will include EPA and a participant to represent the West Crossett community as a member of the triennial review stakeholder work group. DEQ's triennial review stakeholder work group provides a forum for public input on the development of revised water quality standards.
- C. To review Georgia-Pacific Crossett LLC's NPDES compliance status, DEQ will designate a specific task force to review Georgia Pacific's sampling and analysis including a review of the supporting lab results. As is DEQ's current process, DEQ will for two (2) years continue to review all wastewater sampling and analysis performed by Georgia-Pacific Crossett under the requirements of its NPDES permit. During the next twenty-four months, DEQ will request four (4) split samples from Georgia Pacific Crossett LLC to be sent to an accredited lab selected by DEQ and DEQ will witness the sampling event. DEQ will request that two of the four split samples include samples taken from the discharge from Mossy Lake in addition to the discharge from the Aeration Basin. DEQ will post the wastewater sampling analytical results on its website within 60 days of receipt of the analytics.

Comment A request DEQ to respond to EPA's comment on Rule 2 about Mossy Lake and Coffee Creek. I am aware that DEQ is working on its response. **Please let me know when these responses are ready to be routed for review.**

Commitment B requires DEQ to include a community representative and an EPA representative in the Rule 2 stakeholder work group. To ensure that I understand what DEQ should do to

satisfy this commitment, please help me with some basic information on the triennial review stakeholder work group process. **Who are the usual participants? How are they usually chosen? When and how will this group meet? Where can I find more information about this group that I can share with community member(s)?**

Commitment C requires that DEQ designate a task force to review Georgia Pacific's permit compliance and, within twenty-four (24) months, that DEQ request four (4) split samples from Georgia Pacific Crossett LLC (GP) to be analyzed by an accredited lab selected by DEQ and that DEQ witness each sampling event. To ensure that I can appropriately document that DEQ is satisfying this commitment, please provide me with the names of the individuals that the Office of Water Quality has designated to be on this task force and have meetings (at least quarterly) to review Georgia Pacific's discharge monitoring reports (DMR). Based on previous discussions, the task force should include the enforcement analysis (EA) who is assigned to review GP's DMR's each month. I also ask that Office of Water Quality help me to prepare a letter requesting the four (4) split samples. The results from these split samples will be shared with the community by providing a link on a GP landing page on the DEQ website. **Has the Office of Water Quality identified the DEQ witness who will be present to for each of the four (4) split sample collection events?**

I look forward to working with the Office of Water Quality in satisfying these commitments.

Best,

Shay Randolph | Special Counsel for Environmental Justice | Title VI Coordinator

Arkansas Energy and Environment | Office of Chief Counsel

[5301 Northshore Drive | North Little Rock, AR 72118-5317](#)

501.682.0801 | shay.randolph@adeq.state.ar.us



Exhibit 4: OWQ Letter to GP Regarding Monthly Sample Collections



ARKANSAS
ENERGY & ENVIRONMENT

March 23, 2021

VIA CERTIFIED MAIL#:
9489009000276060651202

Tommy D. Smith, VP of Manufacturing
Crossett Paper Operations
Georgia-Pacific Consumer Operations LLC
P.O. Box 3333
Crossett, AR 71635

RE: Georgia Pacific Crossett LLC, NPDES Permit AR0001210

Dear Mr. Smith:

The Office of Water Quality (OWQ) asks that Georgia Pacific Crossett LLC fulfill the following requests:

- 1) OWQ requests that (GP) collect split samples during its monthly sampling for NPDES Permit AR0001210. The requirements for these split samples are as follows:
 - a. GP will collect split samples during a total of four (4) monthly sampling events.
 - b. Two of the four split samples will include samples taken from the discharge from Mossy Lake.
 - c. The last split sample will be collected no later than December 31, 2023.
 - d. GP will coordinate with DEQ prior to each sampling event to ensure that a DEQ observer(s) will be present when the samples are collected.
 - e. GP will send the split samples to an accredited laboratories selected by DEQ.
- 2) OWQ requests that GP provide monthly flow records, chain of custody records and lab results for its DMRs for the monitoring periods from January 2021 to January 2023. Lab results for upcoming DMRs may be attached to GP's DMR submission.

OWQ would like to schedule a meeting with GP to discuss the above requests.

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

Should you have any questions regarding this matter, please contact Richard C. Healey, Enforcement Branch Manager at (501) 682-0640.

Sincerely,



Alan York.
Associate Director, Office of Water Quality
Division of Environmental Quality
5301 Northshore Drive, North Little Rock, AR, 72118

cc: Sarah Ross, Georgia-Pacific Consumer Operations, LLC, sarah.ross@gapac.com
Richard Healey, Enforcement Branch Manager, OWQ, DEQ, healey@adeq.state.ar.us
Myrl V Lawrence, Enforcement Analyst, OWQ, DEQ, myrl.lawrence@adeq.state.ar.us
Stacie Wassell, Deputy Associate Director, OWQ, DEQ, wassell@adeq.state.ar.us
Basil Hicks, Attorney Specialist, Office of Chief Counsel, E&E, hicks@adeq.state.ar.us
Brooks M. Smith, Troutman Pepper, Brooks.Smith@troutman.com

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

Exhibit 5: Georgia Pacific Crossett LLC, NPDES Permit AR0001210 Meeting with DEQ

From: Ross, Sarah M [<mailto:Sarah.Ross@GAPAC.com>]

Sent: Monday, April 19, 2021 10:30 AM

To: Healey, Richard; Bolenbaugh, Jason

Cc: Johnson, Rachel M

Subject: RE: Georgia Pacific Crossett LLC, NPDES Permit AR0001210 Meeting with DEQ

Mr. Healey,

Thank you and your team for the discussion Friday morning. As we discussed, here are the accredited laboratories currently in GP Crossett's contract management system.

Monitoring Parameter	Frequency	Current Lab	Proposed Lab for Split Samples
BOD TSS	Three/week	In-house lab	American Interplex Corporation Laboratories 8600 Kanis Road Little Rock, AR 72204
pH	Three/week	Grab sample taken at time of sampling	NA
Adsorbable Organic Halogens (AOX)	Three/week	Eurofins Test America 5102 LaRoche Ave. Savannah, GA 31404	ALS 1317 S. 13 th Avenue Kelso, WA 98626
Dieldrin Total Recoverable Copper Total Recoverable Zinc Total Phosphorus	Once/month	American Interplex Corporation Laboratories 8600 Kanis Road Little Rock, AR 72204	Eurofins Test America 5102 LaRoche Ave. Savannah, GA 31404

Nitrates as Nitrogen			
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Also, Rachel Johnson will coordinate with Micheal Young of the ADEQ El Dorado office to schedule four (4) monthly sampling events before December 31, 2023 as stated in the March 23, 2021 letter from ADEQ.

DMR Updates – GP Crossett Paper will resubmit January 2021 and February 2021 DMRs to include the items listed in Item 2 of the March 23, 2021 letter. The March 2021 DMR will include these items as well.

Sincerely,

Sarah Ross, GP Crossett Env & Compliance Leader

Sarah.Ross@gapac.com or (870) 415-6363

d. Commitment D

Commitment D provides that “DEQ will continue to work with ADH's Engineering Division that prepares and submits to EPA an annual report concerning the numbers and types of violations of the Safe Drinking Water Act regulations. ADH makes this report available to the Public through its website. ADH also makes available on its website the annual drinking water quality reports for all public water systems. These reports include public water systems' reported monitoring data and explanation of contaminants of concerns in accordance with state and federal laws. The water quality data from all five (5) public water systems in the Crossett area can be found on ADH's website. ADH also provides drinking water information for each community public water system in Arkansas. DEQ will assist ADH, as appropriate, and provide a link on DEQ's website to these ADH resources within 60 days of the signing of this Agreement.

Summary Action Steps Taken:

- This commitment was satisfied within sixty (60) days of signing the agreement. The reports were located on the Arkansas Department Health website and posted to DEQ's website. The reports and links are posted under the temporary Crossett Community section of the website. The Crossett Community Information Page will be updated as updates are received by DEQ. See Exhibit 6 to view a snippet of the Crossett Community Information page.
- Commitment D
 - On 2/25/2021 links were published to DEQ's website. **See,** <https://www.adeg.state.ar.us/crossett/>

Exhibit 6: Crossett Community Information Page

To visit the Crossett Community Page, please go to <https://www.adeq.state.ar.us/> and on the left side of the webpage under “AP&CE Commission”, click on Crossett Community Information Page.

The screenshot displays the ADEQ website's Crossett Community Information Page. The header features the ADEQ logo, the text "ARKANSAS ENERGY & ENVIRONMENT ENVIRONMENTAL QUALITY", and a search bar. A navigation menu includes links for Home, Online Services, Offices, Inspectors, Licensing, Permits, Regulations, and Contact Us. The main content area is titled "Crossett Community Information Page" and includes a paragraph explaining the page's purpose as a source for information related to the Crossett Community. It mentions the EPA's External Civil Rights Compliance Office (ECRCO) and DEQ's involvement in resolving EPA Complaint NO. 27R-16-R6. A section titled "Upcoming Events" lists several items, including "Events related to the Crossett community and DEQ's regulatory authority", "Commitment Events", "Triennial Review Stakeholder Work Group", "Compliance Review Reports", "Sampling Results", and "Resources for the Crossett Community". A sidebar on the left contains "Crossett Site Resources" with links to video tutorials, related links, and documents. A right sidebar includes contact information for the Crossett Community Information Page, such as a phone number and email address, and an "Email Updates" section with a subscribe button. A footer section titled "LATEST INFORMATION:" mentions a June 2021 report discussing specific commitments in the IRA.

ARKANSAS ENERGY & ENVIRONMENT ENVIRONMENTAL QUALITY

Crossett Community Information Page

This page is designed to be a source for the Crossett Community with up-to-date information regarding activities related to Arkansas Department of Energy and Environment, Division of Environmental Quality's (DEQ) regulatory authority. It also includes information required by the Informal Resolution Agreement (Agreement) between the U.S. Environmental Protection Agency (EPA) and the DEQ and its specific commitments.

On January 8, 2021, the EPA's External Civil Rights Compliance Office (ECRCO) and DEQ entered into the Agreement to resolve EPA Complaint NO. 27R-16-R6. In this Agreement, DEQ agreed to undertake and implement various commitments in furtherance of its commitment to carry out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI and other federal nondiscrimination laws enforced by the EPA and 40 C.F.R. Parts 5 and 7.

Resources and other important information as required by the commitments can be found on the left sidebar. Below are links to the latest information from DEQ regarding the Crossett Community. This information will be updated periodically and as steps are taken to satisfy each commitment outlined in the Agreement.

Upcoming Events

- **Events related to the Crossett community and DEQ's regulatory authority**
 - More information to come
- **Commitment Events**
- **Triennial Review Stakeholder Work Group**
 - More information to come
- **Compliance Review Reports**
 - A compliance review will evaluate the wastewater sampling and analysis performed by Georgia-Pacific Crossett under the requirements of its NPDES permit. DEQ staff involved in conducting compliance reviews includes Enforcement Analyst, Enforcement Coordinator, Permit Engineer, and a Compliance Inspector or Inspector Supervisor.
 - More information to come
- **Sampling Results**
 - The lab results from split samples collected during four (4) monthly sampling events will be posted here.
 - More information to come
- **Resources for the Crossett Community**
 - DEQ is committed to transparency and meaningful community involvement. DEQ is creating online tutorials on how to access permitting information and updating its Public Participation Plan, LEP Plan, and Nondiscrimination Program. DEQ Facility and Permit Summary Permit Data System (PDS) provides information about DEQ-issued permits and can be searched by county or by city.
- **Task Force Meetings**
 - More information to come

Crossett Site Resources

Video Tutorials

- Coming soon

Related Links & Documents

Crossett Community

- [Informal Resolution Agreement](#)
- [Arkansas Department of Health](#)
- [Violations of the Safe Drinking Water Act Reports](#)
- [Annual Reports for Water Quality](#)
- [Crossett Commission 2019 Annual Drinking Water Quality Report](#)
- [Link to the completed IRA Report will go here.](#)
- [Check the status of GP's NPDES Permit](#)
- [View Permit](#)
- [More Permit Information](#)

Crossett Community Information Page

To send questions and comments, contact us via:

Phone Number:
501-682-0744

Email Address:
crossettcommunity@adeq.state.ar.us

Email Updates

Subscribe to the Crossett Community information email list to receive upcoming events, hearings, meeting and overall information updates for the ongoing Informal Resolution Agreement commitments between EPA and E&E concerning the Crossett Community.

Subscribe

LATEST INFORMATION:

June 2021 – Report discussing the specific commitments in the IRA was

e. Commitment E

Commitment E provides that “DEQ will continue to work to finalize reissuance of the Georgia Pacific Crossett LLC NPDES permit to conform with the requirements of the CWA and federal regulations in concert with EPA (Region 6). If Georgia-Pacific Chemicals LLC and Georgia-Pacific Consumer Operations LLC must obtain federal or state permits for any compliance obligations under the Amended Consent Decree, DEQ will continue to work to finalize the issuance of those permits, as appropriate. DEQ will post the Georgia Pacific Crossett LLC NPDES permit application, and final permit on its website within 60 days of approving the NPDES permit.

Summary of Action Steps Taken:

- The status of GP’s permit has not changed. The latest correspondence concerning GP’s NPDES permit can be viewed at the links below. See Exhibit 7.
- **Commitment E**
 - DEQ’s position is that Commitment A is a necessary precursor for Commitment E.
 - The public can access GP’s NPDES permit and related information from DEQ’s website.
 - Permit details page:
 - https://www.adeg.state.ar.us/home/pdssql/p_permit_details_water_npdes.aspx?AFINDash=02-00013&AFIN=0200013&PmtNbr=AR0001210
 - The permit details page has several links, including links to the permit and permit information which are provided below.
 - Permit:
 - <https://www.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/Permits/AR0001210.pdf>
 - Permit Information:
 - https://www.adeg.state.ar.us/home/pdssql/p_permits_online_npdes_additonal.aspx?PmtNbr=AR0001210&Category=PermitInformation&Title=Permit%20Information

Exhibit 7: DEQ's Additional Information Request for NPDES Permit No.: AR0001210; AFN: 02-00013



ARKANSAS
ENERGY & ENVIRONMENT

June 3, 2021

Sarah Ross, Environmental & Compliance Leader
Crossett Paper Operations
Georgia-Pacific Consumer Operations LLC
P.O. Box 3333
Crossett, AR 71635

email: sarah.ross@gapac.com

**RE: NPDES Permit No.: AR0001210; AFIN: 02-00013
Additional Information Request**

Dear Ms. Ross:

The Arkansas Division of Environmental Quality (DEQ) has received and reviewed the monthly flow records, chain of custody records, and lab results for the Discharge Monitoring Reports (DMRs) for the monitoring periods from January 2021 through April 2021. Based on that review, DEQ requests that Georgia Pacific-Crossett (GP) submit the following:

- Lab records for the following parameters: TSS, BOD, and pH for the January 2021 through April 2021 monitoring periods,
 - These records of raw lab data should include bench sheets, chain of custody records, and quality control information;
- Laboratory analysis reports for 2,3,7,8-Tetrachlorodibenzo-p-dioxin (Dioxin) for the March 2021 monitoring period; and
- The link to the gauge GP uses at Felsenthal Lock and Dam to determine whether Mossy Lake is flooded.

Please submit all documents by **June 15, 2021**. Please include these records when submitting documents for future monitoring periods pursuant to DEQ's June 3, 2021 request.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0056 or you may e-mail me at danielle.harbin@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script that reads 'Danielle Harbin'.

Danielle Harbin
Enforcement Coordinator, DEQ, OWQ
5301 Northshore Drive, North Little Rock, AR 72118

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT

f. Commitment F

Commitment F provides that “DEQ will continue to encourage Georgia-Pacific Crossett LLC to institute BMPs and work with Georgia-Pacific Crossett LLC to authorize changes at the facility that reduce odor. As part of any proposed maintenance or changes at the facility's wastewater treatment system, DEQ will require the Georgia-Pacific Crossett LLC to submit an Odor Management Plan to address odor that could result from that work. DEQ will make that plan available to the public through DEQ's website and provide an opportunity for the community to participate in an informational meeting about the plan.

Summary of Action Steps Taken:

- GP has discontinued those processes at the facilities that were most responsible for the odor issues in Crossett. Commitment F would be triggered if future work at the facility could result in an increase in odor. OWQ recently discussed this commitment with GP and made GP aware that it should plan to provide an Odor Management Plan for work that could result in increased odor from the facility.
- OWQ is preparing a letter to request specific information from GP on this issue. That correspondence will be attached to this report.

g. Commitment G

Commitment G provides that “DEQ will work with Settling Defendants to implement the May 18, 2020 Amended Consent Decree’s injunctive relief and SEPs. DEQ will post the semi-annual progress report on its website within 30 days of receipt.”

h. Commitment H

Commitment H provides that “DEQ will provide periodic updates to the public about (1) the SEPs described in the May 18, 2020 ACD that was entered into by the United States of America, DEQ , and settling Defendants; (2)the Settling Defendants' compliance status, and (3) any information provided to DEQ by ADH that identifies health concerns for Crossett citizens. DEQ will continue to evaluate, according to their EPA-approved Compliance Monitoring Strategy, the Georgia-Pacific, LLC Crossett, AR facility's industrial processes, management of waste streams, and compliance of permitted operations, conduct appropriate multi-media inspections, and provide updates to the community regarding the facility's environmental performance. DEQ's first update will include information about how the changes at the facility have eliminated many of the sources that could contribute to the odor and air quality concerns expresses by the residents of Crossett. DEQ will submit this first update within 180 days of the signing of this Agreement, and DEQ will present this first update to the community at the next meeting of the Arkansas Pollution Control and Ecology Commission that occurs after the update has been submitted.

Summary of Action Steps Taken:

- Since the Department of Justice granted an extension for two (2) of the three (3) SEPs the update to the Arkansas Pollution Control and Ecology Commission is delayed until the SEPs are completed. Exhibits 8-11 to review GP's request for an extension and the EPA's response granting the extension. GP completed the City of Crossett Fire Department Emergency Response Vehicle SEP on July 10, 2020.
 - UPDATE: As of July 27, 2021, all SEP's are completed. See Exhibit 11. An update will be given to the Arkansas Pollution Control and Ecology Commission.

Exhibit 8: GP's SEP Extension Request 23 Mar 21



Georgia-Pacific

Georgia-Pacific LLC

124 Paper Mill Rd.
Crossett, Arkansas 71635
Telephone (870) 567-7200
Fax (870) 567-7224

March 23, 2021

United States Department of Justice
EES Case management Unit
Re: DOJ # 90-5-2-1-11705
Eesedcopy.enrd@usdoj.gov

United States Environmental Protection Agency
Consent Decree Reporting System
Uploaded: <http://cdx.epa.gov>

Mr. Tom Rheume
Arkansas Department of Environmental Quality
rheume@adeq.state.ar.us

RE: *United States v. Georgia-Pacific Chemicals LLC, et al.*
Case No. 1:18-cv-01076-SOH
Request for Extension of SEP Deadlines

To Whom It May Concern:

Pursuant to Section I.B of Appendix C of the Amended Consent Decree in the above-referenced matter, Georgia-Pacific Consumer Operations LLC and Georgia-Pacific Chemicals LLC (the "Settling Defendants") hereby request an extension of certain deadlines for two of the three Supplemental Environmental Projects ("SEP"). Specifically, the Settling Defendants request an additional 180 days to begin operation of the Epichlorohydrin Storage Tank ("Epi Storage SEP") and Vacuum Pump System Replacement ("Vacuum Pump SEP") SEPs.

As previously noted in prior semi-annual progress reports, the Settling Defendants have taken a number of actions to implement the SEPs set forth in the Amended Consent Decree:

- The City of Crossett Fire Department Emergency Response Vehicle SEP was completed on July 10, 2020.
- Permit applications for both the Epi Storage SEP and Vacuum Pump SEP were submitted in a timely fashion, and Arkansas Department of Environmental Quality ("ADEQ") has issued approval letters for both projects.
- Preliminary civil, mechanical, and electrical designs have been completed for both the Epi Storage SEP and Vacuum Pump SEP, and the Settling Defendants continue to engage with engineering contractors on the design and implementation of both SEPs.

Notwithstanding this progress, the Settling Defendants anticipate additional time will be needed to make the Epi Storage SEP and the Vacuum Pump SEP fully operational in accordance with the requirements of the Amended Consent Decree. Some of this additional time is anticipated as a result of pressures placed on the market for equipment and services associated with the COVID-19 pandemic. Delivery of some of the equipment has been longer than usual. The supply chain is being stressed, which impacts equipment suppliers. Additionally, there have also been delays due to the severe winter storm that impacted the Gulf Coast and South Central states in February.

Per the current terms of the Amended Consent Decree, both the Epi Storage SEP and the Vacuum Pump SEP must begin operation by June 12, 2021 (i.e., 270 days after receipt of the necessary permits). Section I.B. of Appendix C of the Amended Consent Decree provides that SEP compliance deadlines may be extended by written, mutual agreement between the United States and Settling Defendants. For the reasons stated above, the Settling Defendants respectfully request an additional 180 days, or until December 9, 2021, to begin operation of both SEPs.

If you have any questions regarding this submittal, please feel free to contact Jerry Morris, Environmental Manager, via telephone at (870) 567-7247 or via email at jwmorris@gapac.com.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and believe, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Best regards,



Tommy D. Smith
Vice President – Manufacturing
Georgia-Pacific Consumer Operations LLC
– Crossett Paper Operations



Bryan Grunsky
Complex Manager – Manufacturing
Administrator
Georgia-Pacific Chemicals LLC – Crossett
Chemicals

cc: Ms. Cheryl Barnett, EPA (via e-mail: Barnett.Cheryl@epa.gov)

Exhibit 9: GP's SEP Extension Request 31 Mar 21Additional Information

From: [Morris, Jerry W](#)
To: [Kim, Kevin](#)
Subject: RE: U.S. v. Georgia-Pacific (Case No. 1:18-cv-01076-SOH) - Extension of Time Request
Date: Wednesday, March 31, 2021 6:24:13 PM
Attachments: [FW U.S. v. Georgia-Pacific \(Case No. 1:18-cv-01076-SOH\) - Extension of Time Request.pdf](#)

Kevin:

Thanks for your response and prompt review of our request. To respond to your request for additional details, below is a detailed summary of delays the two SEP projects have experienced that were not anticipated when we originally agreed to the timeline set forth in the Amended Consent Decree:

- The epichlorohydrin storage tank delivery date has been delayed approximately two weeks. A delivery date has been set for April, but that date could be delayed further. This tank is an integral component of the Epi Storage Tank SEP.
- The Vacuum Pump SEP includes the installation of a new tank, and the delivery of this tank also has been delayed for approximately two weeks. The currently scheduled delivery date in early May could be subject to change.
- There have been several instances in which engineering consultants contributing to the design phase of both SEP projects had to delay their travel to the Crossett facility due to restrictions on on-site visitors prompted by the facility's COVID-19 preventative controls. Collectively, those delays resulted in an approximate one-week delay to the schedule for design work for both SEPs.
- During the recent severe winter storm and associated road conditions, on-site civil engineering and demolition work associated with both SEPs was suspended for approximately one week.

These recent unforeseen delays, coupled with the uncertainty posed by future COVID-19 or weather-related disruptions, prompted GP's recent request to extend the timeframe of the Epi Storage SEP and Vacuum Pump SEP.

If you need additional information, please let me know.

Jerry Morris
Georgia-Pacific Chemicals LLC, Crossett, AR
(870) 567-7247

From: Kim, Kevin <kim.kevin@epa.gov>
Sent: Friday, March 26, 2021 2:22 PM
To: Morris, Jerry W <JWMORRIS@GAPAC.com>
Subject: U.S. v. Georgia-Pacific (Case No. 1:18-cv-01076-SOH) - Extension of Time Request

Sent by an external sender

Mr. Morris,

Thank you for submitting your extension of time request for two SEPs in the above referenced matter. As I was reviewing your letter, it wasn't clear to me what specific delays (e.g. what

equipment and services) associated with each SEP are anticipated because of the COVID-19 pandemic and the winter storm. Please provide this information for a complete review of your request. If you have any questions, please feel free to contact me.

Thanks,

Kevin J. Kim

Environmental Engineer
U.S. EPA - Region 6 (ECDAT)
1201 Elm Street, Suite 500
Dallas, TX 75270-2102
Ph: 214-665-8554
Email: kim.kevin@epa.gov



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Exhibit 10: Response to GP's SEP Extension Request 23 Mar 21 and 31 Mar 21 Additional Information



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TX 75270

May 20, 2021

Bryan Grunsky
Complex Manager – Manufacturing – Crossett Chemicals
Georgia-Pacific Chemicals, LLC
124 Paper Mill Road
Crossett, AR 71635
Bryan.grunsky@gapac.com

Tommy D. Smith
Vice President – Manufacturing – Crossett Paper Operations
Georgia-Pacific Consumer Operations, LLC
P.O. Box 3333
Crossett, AR 71635-3333
Tommy.smith2@gapac.com

Re: Extension of Supplemental Environmental Project Schedules
United States v. Georgia-Pacific Chemicals LLC, et al.
Civil Action No. 1:18-cv-01076-SOH (W.D. Ark.)

Dear Mr. Grunsky and Mr. Smith:

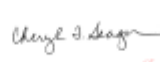
The United States is in receipt of the Georgia-Pacific Chemicals LLC and Georgia Pacific Consumer Operations LLC (the "Settling Defendants") March 23, 2021 notice and March 31, 2021 additional information, which were both submitted pursuant to Section 1.B of Appendix C of the Amended Consent Decree ("Amended CD"), Civil Action No. 1:18-cv-01076-SOH (W.D. Ark.). The notice and additional information describe delays in implementing two of the three Supplemental Environmental Projects ("SEPs") in the Amended CD. Settling Defendants provided information regarding the cause of delays resulting from delivery delays and the impacts of Winter Storm Uri and the COVID pandemic. Settling Defendants state in the March 2021 communications that additional time is needed for two of the SEPs to be fully operational by the dates required in the Amended CD. The U.S. Environmental Protection Agency has consulted the U.S. Department of Justice and is responding on behalf of the United States.

Based upon a review of all the available information submitted by the Settling Defendants, the United States agrees to an extension of two of the SEP project schedules, pursuant to Section 1.B of Appendix C. The United States approves Settling Defendants' request for an extension of the required compliance deadlines for the Epichlorohydrin Storage Tank SEP ("Epi Storage SEP") and the Vacuum Pump System Replacement SEP ("Vacuum Pump SEP") as follows:

1. Appendix C.II.A.3.b of the Amended CD requires operation of the Epi Storage SEP to begin by June 12, 2021 (i.e., 270 days after receipt of the necessary permits). The required compliance deadline for the Epi Storage SEP has been extended by 45 days to July 27, 2021.
2. Appendix C.II.B.3.b of the Amended CD requires operation of the Vacuum Pump SEP to begin by June 12, 2021 (i.e., 270 days after receipt of the necessary permits). The required compliance deadline for the Epi Storage SEP has been extended by 45 days to July 27, 2021.

Should you have any questions regarding the above or any aspect of this matter, please do not hesitate to contact Kevin Kim at (214) 665-8554 or Cheryl Barnett at (214) 665-8328 of U.S. EPA, Region 6.

Sincerely,


Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Digitally signed by CHERYL SEAGER
DN: cn=US, o=EPA, ou=Environmental Protection Agency,
ou=CHERYL SEAGER
c=US, email=CHERYL.SEAGER@epa.gov, o=EPA, ou=Environmental Protection Agency,
ou=CHERYL SEAGER, cn=US, email=CHERYL.SEAGER@epa.gov

Cc (electronically):

eescdcopy.enrd@usdoj.gov
john.bottini@kochps.com
rothermel@adeq.state.ar.us
barnett.cheryl@epa.gov
kim.kevin@epa.gov
kenneth.long@usdoj.gov
thomas.carroll@usdoj.gov
rheaume@adeq.state.ar.us

Exhibit 11: GP's SEP in Service Report Final



Georgia-Pacific LLC

124 Paper Mill Rd.
Crossett, Arkansas 71635
Telephone (870) 567-7200
Fax (870) 567-7224

July 27, 2021

United States Department of Justice
EES Case management Unit
Re: DOJ # 90-5-2-1-11705
Eescdcopy.enrd@usdoj.gov

United States Environmental Protection Agency
Consent Decree Reporting System
Uploaded: <http://cdx.epa.gov>

Mr. Tom Rheaume
Arkansas Department of Environmental Quality
rheaume@adeq.state.ar.us

RE: *United States v. Georgia-Pacific Chemicals LLC, et al.*
Case No. 1:18-cv-01076-SOH
Semi-Annual Progress Report

To Whom It May Concern:

Pursuant to Paragraph 39 of the Amended Consent Decree (ACD) in the above-referenced matter, Georgia-Pacific Chemicals (GPC) and Georgia-Pacific Consumer Operations LLC provide this semi-annual progress report regarding the two remaining supplemental environmental projects (SEP) required by the ACD.

A. Epichlorohydrin Temporary Storage ("Epi Storage SEP") Progress Report

As of July 20, 2021, the work required to install and commence operation of the Epi Storage SEP has been completed.¹ Other than activities needed to maintain ongoing operations of the new epichlorohydrin storage system, GPC does not anticipate additional activities in connection with this SEP. The total cost incurred to date for this SEP, in the form of capital and external and internal engineering costs, is approximately \$561,445. A SEP completion report will be submitted in accordance with Paragraph 27 of the ACD after the Epi Storage SEP has operated for at least one year as specified in Paragraph II.A.3(c) of Appendix C of the ACD.

¹ The United States agreed by letter dated May 20, 2021 to extend the deadline to commence operation of the Epi Storage SEP to July 27, 2021.

B. Vacuum Pump System Replacement ("Vacuum Pump SEP") Progress Report

As of July 14, 2021, the work required to install and commence operation of the Vacuum Pump SEP has been completed.² Other than activities needed to maintain ongoing operation of the new vacuum pump system, GPC does not anticipate additional activities in connection with this SEP. The total cost incurred to date for this SEP, in the form of capital and external and internal engineering costs, is approximately \$499,324. A SEP completion report will be submitted in accordance with Paragraph 27 of the ACD after the Vacuum Pump SEP has operated for at least 180 days as specified in Paragraph II.B.3(c) of Appendix C of the ACD.

C. Changes to Notice Provisions

Pursuant to Paragraph 93 of the ACD, GPC hereby requests the following changes to the notice provisions of Paragraph 92:

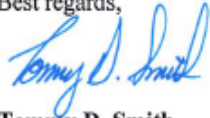
As to GP Chemicals by e-mail: John-Mark Lockling at john-mark.lockling@gapac.com and John C. Bottini at john.bottini@kochps.com.

If you have any questions regarding this submittal, please feel free to contact John-Mark Lockling, Environmental Coordinator, via email at john-mark.lockling@gapac.com.

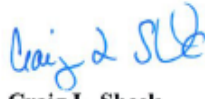
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of our knowledge and believe, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

² The United States agreed by letter dated May 20, 2021 to extend the deadline to commence operation of the Vacuum Pump SEP to July 27, 2021.

Best regards,



Tommy D. Smith
Vice President – Manufacturing
Georgia-Pacific Consumer Operations LLC
– Crossett Paper Operations



Craig L. Sheek
Plant Manager
Georgia-Pacific Chemicals LLC – Crossett
Chemicals

cc: Ms. Cheryl Barnett, EPA (via e-mail: Barnett.Cheryl@epa.gov)

i. Commitment I

Commitment I provides that “within 180 days of the signing of this Agreement, DEQ will develop an Email List Subscription (hyperlink sign-up function or radio button) for notices related to Georgia-Pacific Crossett LLC to ensure the interested party receives notification in advance of public meetings, and the interested party receives same day notice of the opening of a public comment period and a minimum of 30-days advance notice of any public hearing on any proposed permitting action.” The purpose of this commitment is to “further promote public engagement during permitting processes.”

j. Commitment J

Commitment J provides that “within 180 days of the signing of this Agreement, DEQ will develop online tutorials on how to access permitting information and monitoring data through its website and on the utilization of the DEQ reporting application for mobile devices.”

Summary of Action Steps Taken:

- There is an email subscription link on the Crossett Community Information page and a designated area for the video tutorials once they are published. Commitment J is in the process of being completed. The public will be able to access these resources from the Crossett Community Information page and the Public Information page. The public can also subscribe to receive Crossett Community information by going to DEQ’s website home page, selecting online services, scrolling down and selecting “Subscribe to Email Lists”, then selecting subscribe to the Crossett Community email list. The Crossett Community Information page will make information easily accessible to the public to increase meaningful involvement of the public.

k. Commitment K

Commitment K provides that “within 180 days of signing the Agreement, DEQ will request that the Arkansas Department of Emergency Management (ADEM) facilitate community training and public safety awareness for the City of Crossett, AR. DEQ will request ADEM to coordinate with the City of Crossett to promote the utilization of the integrated Public Alert & Warning System (IPAWS) [components of IPAWS: Emergency Alert System (EAS), Wireless Emergency Alerts (WEA), and National Oceanic and Atmospheric Administration (NOAA)]. DEQ will provide periodic updates on its activities related to its communication with ADEM.

l. Commitment L

Commitment L provides that “within 180 days of the signing of this Agreement, DEQ will request that ADEM help Ashley County to bolster its local emergency planning committee

(LEPC). DEQ will provide technical assistance and guidance to Ashley County, as appropriate. DEQ will provide periodic updates on its activities related to its communication with ADEM.”

m. Commitment M

Commitment M provides that “within 180 days of the signing of this Agreement, DEQ will encourage Georgia-Pacific to work with ADEM and Ashley County through its public/private partnership program to assist with the planning and preparedness for, or mitigate damages resulting from man-made or natural disasters.”

Action Steps Taken:

- DEQ has initiated communication with ADEM and with the Ashley County LEPC. DEQ will continue this communication and provide technical assistance when needed or requested by ADEM or the Ashley County LEPC. See Exhibit 12.

Exhibit 12: DEQ's Letter to ADEM



ARKANSAS
ENERGY & ENVIRONMENT

June 14, 2021

AJ Gary
Director
Arkansas Division of Emergency Management
Building 9501 Camp Joseph T. Robinson
North Little Rock, AR, 72199

Dear Director Gary:

On behalf of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), I want to thank you and the Arkansas Division of Emergency Management (ADEM) for your assistance. Chris Foreman, ADEM Training and Exercise Branch Manager, provided DEQ staff with information about Ashley County's local emergency planning committee (LEPC). He also conveyed helpful details about ADEM's work to address public safety preparedness and planning. DEQ appreciates ADEM's efforts to support communities by providing support and guidance for emergency preparedness for man-made or natural disasters.

In the interest of DEQ, I ask that ADEM encourages Ashley County's LEPC and the City of Crossett to participate in the Integrated Public Alert & Warning System (IPAWS). I also request that ADEM provide appropriate support to Ashley County's LEPC and the City of Crossett for public safety preparedness and planning programs.

Please let me know if DEQ can assist ADEM in its efforts to support the City of Crossett's and Ashley County's participation in public safety preparedness and planning programs. I look forward to continuing our coordinated efforts with ADEM.

Sincerely,

A handwritten signature in blue ink, appearing to read "Julie Linck".

Julie Linck
Senior Deputy Director, DEQ

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT