



# ARKANSAS

## ENERGY & ENVIRONMENT

January 15, 2023

Lenore Trammell, Assistant Secretary  
Exploratory Ventures, LLC  
PO Box 707  
Osceola, AR 72370

Re: State Construction Permit Number AR0053384C, AFIN 47-01073

Dear Ms. Trammell:

Enclosed are the public notice, Statement of Basis, and a copy of the draft state construction permit that the Arkansas Department of Energy and Environment – Division of Environmental Quality has prepared in accordance with APC&EC Rule 8, *Administrative Procedures*.

In accordance with APC&EC Rule 8.207, the enclosed public notice will be or has been published by DEQ in a newspaper of general circulation of your facility for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and proof of payment to the address at the bottom of this letter as soon as possible but no later than thirty (30) days from the above date. Until this Division receives proof of publication of the public notice and payment of all permit and publication fees, no further action will be taken on the issuance of your state construction permit.

Should you have any questions concerning any part of the draft state construction permit, please contact Terry Liu, P.E. at (501) 682-0653.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan J. York'.

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

AJY:tl

Enclosure

cc: Andrew Rike, P.E. (arika@harborenv.com)

**PUBLIC NOTICE OF DRAFT STATE CONSTRUCTION PERMIT  
STATE CONSTRUCTION PERMIT NUMBER AR0053384C, AFIN 47-01073**

This is to give notice that the Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ), Office of Water Quality, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317 at telephone number (501) 682-0656, proposes a draft construction permit for which an application was received on November 9, 2022, with additional information received by November 17, 2022, in accordance with Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 6.

Applicant: Exploratory Ventures, LLC, 1000 East County Road 860, Osceola, AR 72370, from Osceola, travel south on U.S. Highway 61 and turn left onto State Highway 119; Latitude: 35° 37' 08.43" N; Longitude: 90° 00' 00.26" W in Mississippi County, Arkansas.

The discharge from this new facility will be made into the Mississippi River in Segment 6C of the Mississippi River Basin.

Proposed construction will include oil removal, homogenization, metals removal (dissolved air floatation), clarification, aeration for iron oxidization, filtration, and sludge processing with a design flow of 1.25 MGD at Outfall EV201, and a sedimentation pond to discharge at Outfall EV202. Issuance of the NPDES discharge permit is required prior to discharging from this facility.

Citizens wishing to examine or obtain copies of the permit application, the draft permitting decision, or the Statement of Basis may do so at the DEQ headquarters located at 5301 Northshore Drive, North Little Rock, AR 72118-5317. To request a copy of one or more of the documents, please call (501) 682-0656. For those with Internet access, a copy of the proposed draft permit as well as the publication date may be found on the DEQ's website at: [https://www.adeq.state.ar.us/water/permits/drafts\\_pn.aspx](https://www.adeq.state.ar.us/water/permits/drafts_pn.aspx).

Comments on the draft state construction permit will be accepted in accordance with APC&EC Rule 8.208. DEQ's contact person for submitting written comments on the draft permit, or requesting a public hearing on the draft permit, is Terry Liu, P.E., at the above address and telephone number or by email at [Water-Draft-Permit-Comment@adeq.state.ar.us](mailto:Water-Draft-Permit-Comment@adeq.state.ar.us).

The period for submitting comments on the draft state construction permit and for requesting a public hearing shall begin on the date of publication of the public notice and end at 4:30 P.M. (Central Time) on the 30<sup>th</sup> day after the publication date. If the last day of the comment period is a Saturday, Sunday, or legal holiday, the public comment period shall expire on the next day that is not a Saturday, Sunday, or legal holiday. For information regarding the actual publication date along with the actual date and time the comment period will end, please contact Terry Liu, P.E. at the above address and telephone number or by email at [Water-Draft-Permit-Comment@adeq.state.ar.us](mailto:Water-Draft-Permit-Comment@adeq.state.ar.us). Public notice, comments, and hearings will be conducted in accordance with APC&EC Rules 6.104(A)(5) [40 C.F.R. §§ 124.10 through 124.12 by reference] and 8.207 through 8.210 (Administrative Procedures). All persons, including the permittee, who wish to comment on DEQ's draft permitting decision must submit written comments to DEQ, along with their name and mailing address. A Public Hearing will be held when DEQ finds a significant degree of public interest. After the public comment period, DEQ will issue a final permitting decision. DEQ will notify the applicant, and each person who has submitted written comments or requested notice, of the final permitting decision. Any interested person who has submitted comments may appeal a final decision by DEQ in accordance with the APC&EC Rule 8.

STATE CONSTRUCTION PERMIT  
Permit Number: AR0053384C

## Permittee:

Exploratory Ventures, LLC  
PO Box 707  
Osceola, AR 72370

## Consulting Engineer:

Andrew Rike, P.E.  
Harbor Environmental Inc.  
5800 Evergreen Drive  
Little Rock, AR 72205

This permit allows the permittee listed above to construct the wastewater treatment system in accordance with the permit application and plans and specifications which were received on November 9, 2022, with additional information received by November 17, 2022, under authority of the Arkansas Water and Air Pollution Control Act (Arkansas Code Annotated §8-4-101 et seq. and Arkansas Code Annotated §8-4-201 et seq.) and the following terms and conditions.

1. The treatment system shall be constructed in accordance with the final plans and specifications as submitted to the Division of Environmental Quality (DEQ). In case any statement or representation in the aforementioned documents is found to be incorrect, this approval may be revoked.
2. There shall be no deviation from the permitted plans and specifications unless the revisions have been submitted for review and written approval is received.
3. Within thirty (30) days of completion of the construction the permittee shall submit a Notice of Completion of Construction to the Division (Permits Branch of the Office of Water Quality) that the facility has been constructed in accordance with the approved plans and specifications. The certification shall be signed by the Responsible Official as well as stamped and signed by a Professional Engineer (P.E.) licensed in the state of Arkansas. The Notice of Completion of Construction form is located at the following web link:

<https://www.adeg.state.ar.us/water/permits/npdes/individual/pdfs/state-construction-permit-completion-of-construction.pdf>

4. This permit is issued in reliance upon the statements and representations made in the application and the plans and specifications. Issuance of this State Construction Permit does not guarantee satisfactory performance of the treatment system. The permittee shall ensure that water quality standards are not violated. Any modifications to the treatment facility necessary to meet water quality standards are the responsibility of the permittee and would require a modification to this State Construction Permit.
5. A State Construction Permit for a new wastewater treatment facility does not constitute an NPDES permit. Issuance of a State Construction Permit for construction of a treatment system in no way guarantees or assumes that an application for an NPDES permit to operate the system will be approved or an NPDES permit will be issued.
6. A complete "Operations and Maintenance (O&M) Manual" of the wastewater treatment system shall be developed by the facility consultant for the operator's use before the plant is in operation.
7. Failure to begin construction within one (1) year of the effective date may result in termination of this permit if a request for an extension is not submitted to the Division in a timely manner.

8. The permittee must submit notification of the start of construction within fifteen (15) days after construction has begun.
9. If a construction site will disturb greater than or equal to one (1) acre and less than five (5) acres, the permittee shall comply with the requirements in APC&EC Rule 6.203 for Stormwater discharge associated with a small construction site, as defined in APC&EC Rule 6. If the construction site will disturb five (5) acres or more, the permittee shall comply with the terms of the Stormwater Construction General Permit Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size.
10. This facility is located as follows: Latitude: 35° 37' 08.43" N; Longitude: 90° 00' 00.26" W in Mississippi County, Arkansas; from Osceola, travel south on U.S. Highway 61 and turn left onto State Highway 119.
11. The receiving waters for this facility will be the Mississippi River in Segment 6C of the Mississippi River Basin. The outfalls are located at the following coordinates: Outfall EV201: Latitude: 35° 39' 04.01" N; Longitude: 89° 54' 48.40" W; Outfall EV202: Latitude: 35° 39' 04.01" N; Longitude: 89° 54' 48.38" W.
12. The construction will include oil removal, homogenization, metals removal (dissolved air floatation), clarification, aeration for iron oxidization, filtration, and sludge processing with a design flow of 1.25 MGD at Outfall EV201, and a sedimentation pond to discharge at Outfall EV202.
13. The sedimentation pond must have a pond bottom liner with a maximum permeability of  $1 \times 10^{-7}$  cm/sec and a thickness of at least one (1) foot or equivalent before the start of operation in accordance with Section 02592 of the specifications. Synthetic liner must be ventilated.

Effective Date:

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Alan J. York  
Associate Director, Office of Water Quality  
Arkansas Department of Energy and Environment  
Division of Environmental Quality

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Issue Date

## STATEMENT OF BASIS

For draft State Construction Permit Number AR0053384C.

The issuing office is:

Division of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118

The applicant is:

Exploratory Ventures, LLC  
PO Box 707  
Osceola, AR 72370

### 1. BASIS FOR PERMIT AND CONDITIONS

This permit is your authority to construct the wastewater treatment system in accordance with the permit application and plans and specifications which were received on November 9, 2022, with additional information received by November 17, 2022. The issuance of this permit and conditions are based on the Arkansas Water and Air Pollution Control Act (Arkansas Code Annotated §8-4-101 et seq. and Arkansas Code Annotated §8-4-201 et seq.), Arkansas Pollution Control and Ecology Commission (APC&EC) Rule 6.202, and 40 C.F.R. § 122.26.

Specific permit conditions and their sources are listed as follows:

Conditions 1, 2, 3, 4, 5, 6, 7, and 8 are self-explanatory. Condition 9 is based on 40 C.F.R. § 122.26. Conditions 10, 11, and 12 are based on the submitted application and Plans and Specifications. Condition 13 is based on Section 93.42 of 2014 Edition of Recommended Standards for Wastewater Facilities (Ten State Standards) and generally accepted scientific knowledge, and engineering practices.

### 2. PUBLIC NOTICE

In accordance with APC&EC Rule 8, the public notice will be published by DEQ in a newspaper of general circulation for one (1) day only. The public comment period will begin on the date of publication and will end no sooner than thirty (30) days from that date. Comments must be received at DEQ prior to the close of the public comment period.

### 3. PERMIT FEE

In accordance with APC&EC Rule 9.402(A), the fee for issuance of a state construction permit is \$500.

### 4. SOURCES

1. [Application Form 1 and Plans and Specifications dated November 9, 2022, with additional information received by November 17, 2022.](#)
2. 2014 Edition of Recommended Standards for Wastewater Facilities (Ten State Standards).
3. APC&EC Rules 6, 8, and 9.
4. A.C.A. § 8-4-217(b)(1)(C).

5. 40 C.F.R. § 122.26.

**5. CONTACT PERSON**

The DEQ contact person for submitting written comments, requesting information, or obtaining copies of the application, permit, and the Statement of Basis is:

Terry Liu, P.E.  
NPDES Branch, Office of Water Quality  
Division of Environmental Quality  
5301 Northshore Drive  
North Little Rock, Arkansas 72118-5317  
(501) 682-0653

DRAFT