

PO7LR

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January 21, 2006



Ms. Loretta Reiber, P. E.
NPDES Branch, Water Division
Arkansas Department of Environmental Quality
Post Office Box 8913
Little Rock, Arkansas 72219-8913

Dear Ms. Reiber:

In order to establish or retain legal standing (solely within the jurisdiction of ADEQ) with regards to the Great Lakes Chemical Corporation proposal to upgrade their discharge into Gum Creek which eventually, through further tributaries, empties into the Ouachita River which in turn passes through the Felsenthal National Wildlife Refuge I would like to make the following comments and observations. These comments and observations in no way limit my ability to proceed with an appeal at the federal level on a pro se. basis. With this statement I will continue:

1. Gum Creek, until the most recent advent of rain, was mostly dry with the exception of local discharges. Has ADEQ surveyed and further taken soil samples of the aforementioned creek bed? If not, why not?
2. Has ADEQ taken under consideration any and all ancillary effects of this proposed upgrade? If not, why not?
3. Is ADEQ aware of the current stipulations placed upon the taking of certain species of fish from the Ouachita River as posted by the Arkansas Department of Health? If not, why not? Adding more pollutants makes absolutely no sense. Ref. Item 6.
4. Is ADEQ fully aware that this same company is also applying for permit, along with El Dorado Chemical, Lion Oil Company, and the City of El Dorado to further discharge directly into the Ouachita River without the benefit of said discharges passing through any WWTP operated by the aforementioned city? Does ADEQ really want to allow this particular company to discharge into the Ouachita River at two separate locations?
5. How many times over the past five (5) years has ADEQ physically inspected this facility with regards to the full compliance of any and all applicable regulations?

6. Will or can you comment on the statement that ADEQ is basically a rubber stamp for industries with little or no regard for the environment? ADEQ does not have a stellar track record with regards to protecting the environment. It has been noted by the writer that the company involved has told its employees, in not so many words, that it will leave the area if the pipeline and this proposal is/are not approved. I would submit to you that they have no other place to go. They are perfectly happy to pollute and basically do as they damn well please without any type of serious oversight. I would further submit to you that no other state would welcome their presence. Union County, Arkansas, ranks in the top 10 counties in the country with regards to carcinogens yet ADEQ simply allows Lion Oil to pollute the air and is now contemplating allowing Great Lakes Chemical to discharge further into the Ouachita River. Why not totally open the spigot and allow the pipeline project to go forth without a public hearing (you did not listen to the public at the last public meeting). Why not forego a public meeting on this project and simply approve it?

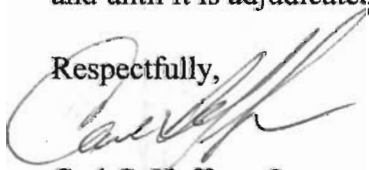
7. What is the position of ADEQ with reference to this project and the federal Clean Water Act? Please be specific.

8. Putting aside the proposal put forth by Great Lakes Chemical Corp. what, if any, studies has ADEQ accomplished with regards to this project? Are you simply taking the word of the permit applicant without proceeding with independent studies?

9. Although Dr. Randall put forth in his dissertation the possibility of an upgrade for this applicant with regards to discharges Dr. Randall's hypothesis did not take into account the current dry spell and thus the basic non-flow of the Ouachita River. Have you, ADEQ, performed seasonal studies or requested same from Great Lakes Chemical Corp. prior to considering said application? Will a seasonal study be required prior to final issuance or denial of said permit? If not, why not?

Your response to the above, while not anticipated, would be appreciated. This particular project, along with the El Dorado Pipeline Project, will not be allowed to go forth unless and until it is adjudicated at the federal level.

Respectfully,



Carl C. Heffner, Sr.