

Zachary Carroll (adpce.ad)

From: Phillips, Jason <jason_phillips@fws.gov>
Sent: Wednesday, October 11, 2023 12:08 PM
To: Zachary Carroll (adpce.ad)
Subject: Re: [EXTERNAL] Review of Application for renewal of NPDES Permit AR0000752 for El Dorado Chemical Company

Mr. Carroll,

The USFWS reviewed the information regarding the renewal of NPDES Permit No. AR0000752 (El Dorado Chemical Co.). We have no comments regarding the issuance of this permit renewal.

Jason W. Phillips
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Arkansas Field Office, Delta Sub-office
26320 Hwy. 33 South
Augusta, Arkansas 72006
870-503-1101

From: Zachary Carroll (adpce.ad) <Zachary.Carroll@adeq.state.ar.us>
Sent: Thursday, September 28, 2023 4:00 PM
To: Davidson, Chris <chris_davidson@fws.gov>; Phillips, Jason <jason_phillips@fws.gov>
Cc: Loretta Carstens (adpce.ad) <loretta.carstens@adeq.state.ar.us>; Shane Byrum (adpce.ad) <Shane.Byrum@adeq.state.ar.us>; Jessica Sears (adpce.ad) <Jessica.Sears@adeq.state.ar.us>; Bryan Leamons (adpce.ad) <Bryan.Leamons@adeq.state.ar.us>
Subject: [EXTERNAL] Review of Application for renewal of NPDES Permit AR0000752 for El Dorado Chemical Company

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September 28, 2023

Chris Davidson, Deputy Field Supervisor
U.S. Fish & Wildlife Service
Arkansas Field Office
110 S. Amity Road, Suite 300
Conway, AR 72032
Chris_Davidson@fws.gov
Jason_Phillips@fws.gov

RE: NPDES Permit Number AR0000752 – El Dorado Chemical Company

Dear Mr. Davidson,

Pursuant to Subpart J – Requirements Applicable to Cooling Water Intake Structures for Existing Facilities Under Section 316(b) of the Clean Water Act [40 CFR 125.98(h)], Arkansas Department of Energy and Environment – Division of Environmental Quality (DEQ) is transmitting the NPDES permit renewal application via this email to the US Fish and Wildlife Service (USFWS) for a 60-day review period. This facility is an existing facility operating a cooling water intake structure, thus is subject to the EPA promulgated 316(b) rule for existing facilities that became effective on October 14, 2014 (40 CFR 125, Subpart J). EPA previously performed formal consultation under ESA Section 7, and this consultation concluded with issuance of a joint USFWS-NMFS biological opinion on May 19, 2014. The biological opinion requires DEQ to submit NPDES permit applications for existing facilities subject to Subpart J to the appropriate field offices of USFWS for an initial 60-day review period. This 60-day review period is required to be completed prior to the draft permit being public noticed. During this 60-day review period, DEQ is requesting that USFWS consider providing the following:

- Any corrections to the list of Federally-listed threatened and endangered species and critical habitat included in the permit application in the vicinity of the cooling water intake structure,
- Any control measures that the USFWS recommend for the protection of listed species in the vicinity of the cooling water intake structure, including any control measures that would minimize any incidental take of listed species, and/or avoid likely jeopardy to a listed species or destruction, or adverse modification of critical habitat, and/or
- Notify the DEQ that the USFWS have no corrections to the list of species and critical habitat and/or that the USFWS does not recommend any control measures.

The USFWS will also be sent the draft permit/fact sheet for review at the time of the 30-day public notice period, during which USFWS will have another opportunity to review and make recommendations.

The 316(b) supporting documents can be viewed at the following link:

https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0000752_316b%20Supporting%20Documentation_20230925.pdf

The main renewal application can be viewed at the following link:

https://www.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/PermitInformation/AR0000752_Updated%20Renewal%20Application_20220330.pdf

Other supporting documents can be viewed at the following link:

https://www.adeq.state.ar.us/home/pdssql/p_permits_online_npdes_additonal.aspx?PmtNbr=AR0000752&Category=PermitInformation&Title=Permit%20Information

If you have any questions, please contact me at this email address or 501-682-0625.

Sincerely,

Zachary Carroll, PhD, P.E. | Engineer Supervisor

**Division of Environmental Quality | Office of Water Quality
Permits Branch**

5301 Northshore Drive | North Little Rock, AR 72118

t: 501.682.0625 | e: zachary.carroll@adeq.state.ar.us



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