



# ARKANSAS

## ENERGY & ENVIRONMENT

## MEMO

### Permits Branch, Office of Water Quality

**To:** Bailey Taylor, Chief Administrator and DEQ Director

**Through:** Stacie R. Wassell, Associate Director, Office of Water Quality

**Through:** Jessica Sears, P.E., Senior Operations Manager, Office of Water Quality

**Through:** Zachary Carroll, PhD, P.E., Engineer Supervisor, Office of Water Quality

**From:** Loretta Carstens, P.E., Permit Engineer, Office of Water Quality

**Date:** December 7, 2024

**Subject:** Temporary Variance Request, Georgia-Pacific Crossett LLC - Crossett Paper Operations, NPDES Permit No. AR0001210, AFIN 02-00013

Georgia-Pacific Crossett LLC - Crossett Paper Operations has submitted a Temporary Variance dated November 19, 2024, which requests a reduction in the monitoring frequency for AOX (Adsorbable Organic Halogens) and Dioxin (2,3,7,8-tetrachlorodibenzo-p-dioxin).

The facility operated a pulp mill and bleach plant when previous permits were issued. 40 C.F.R. Part 430, Subpart B was therefore applicable to the facility. The noted subpart required specific limits for AOX and Dioxin be met. The administratively continued permit requires testing AOX three times per week and Dioxin once per quarter.

In 2019, the permittee shut down the pulping operations and has decommissioned the pulp mill. Therefore, the noted subpart is no longer applicable to this facility, but the AOX and Dioxin limits cannot be removed from the permit until the permit is reissued.

Although the permittee is submitting the samples to the lab in a timely manner, obtaining the results in time to submit the Discharge Monitoring Report (DMR) by the deadline is becoming difficult. Therefore, the permittee is requesting that the monitoring frequency for AOX and Dioxin be reduced to once per year.

Because the permittee no longer has the capability to operate the pulp mill, which was the reason the AOX and the Dioxin limits were placed in the permit, the Office of Water Quality has no objections to the permittee's request to reduce the monitoring frequency for AOX and Dioxin to once per year.

Is the equipment/process new to this facility?

- ☐ Yes – Equipment is new to the facility.
- ☐ Yes – Process is new to the facility.
- ☒ No – Equipment and process are both existing at the facility.

Will the effluent characteristics be affected?

- ☐ Yes
- ☒ No

The Director shall consider the factors set forth in Ark. Code Ann. § 8-4-230(b)(1) when deciding whether to grant a Temporary Variance. These factors are addressed by the applicant as follows:

- The environmental and public health effects of the request. *There will be no environmental or public health effects as a result of the request.*
- Any economic advantage obtained by the requesting party over other similarly situated facilities that are operating in accordance with similar permit conditions and that have not requested a temporary variance. *No economic advantage to the permittee is anticipated.*
- Whether strict compliance would result in the substantial curtailment or closing down of an existing business seeking a temporary variance. *No curtailments or shutdowns are expected as a result of continued compliance of the monitoring requirements.*

The Director may consider the factors set forth in Ark. Code Ann. § 8-4-230(b)(2) when considering a request for a Temporary Variance. These factors are addressed by the applicant as follows:

- Whether strict compliance with permit terms is inappropriate because of conditions beyond the control of the facility. *The facility has been operating under an administratively extended permit since November 2015 and had planned to wait on the reissuance of the permit for these monitoring requirements to be removed. However, with the uncertainty of the permit issuance timeline and increased hardship of obtaining specialized analytical testing, the facility would like to request a temporary variance.*
- Whether the request is prompted by recurrent or avoidable compliance problems. *The request is not prompted by any recurrent or avoidable compliance problems. The reason for the request is that the operations for which the sampling was required no longer exists and all associated equipment has been decommissioned and dismantled. Moreover, due to the specialized nature of AOX and dioxin analysis as well as the limited number of third-party labs qualified to run the tests, GP is experiencing increased difficulty obtaining test results in a timely manner. The permittee has been in compliance with the AOX and the Dioxin requirements.*

- Whether a review of the operational history of the facility reveals relevant information. Changes in operation in November 2019 resulted in the 40 C.F.R. Part 430, Subpart B requirements no longer being applicable to the facility.
- Whether the public interest will be served by a temporary variance. The public interest will not be affected by this variance.



## DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders  
GOVERNOR

Shane E. Khoury  
SECRETARY

Deborah Coduto, Vice President of Manufacturing  
Georgia-Pacific Crossett LLC - Crossett Paper Operations  
P.O. Box 3333  
Crossett, AR 71635

Re: Request for a Temporary Variance  
NPDES Permit Number AR0001210; AFIN 02-00013

Dear Ms. Coduto:

Pursuant to Ark Code Ann. § 8-4-230(a)(1)(B), please accept this letter as granting the request dated November 19, 2024, for a Temporary Variance to reduce the monitoring frequency for AOX (Adsorbable Organic Halogens) and Dioxin (2,3,7,8-tetrachlorodibenzo-p-dioxin) at Outfall 001 to once per year. Georgia-Pacific Crossett LLC - Crossett Paper Operations shall strictly adhere to all other requirements (limits, test methods, etc.) for AOX and Dioxin in the administratively continued permit. Please be aware that issuance of this Temporary Variance does not relieve your obligation to comply with the current NPDES permit or any enforcement action ordered by the Division.

The reduced monitoring frequency for AOX and Dioxin at Outfall 001 is effective for the monitoring period beginning December 1, 2024 and lasting until the earliest of either:

- A. November 30, 2025; or
- B. Reissuance of NPDES Permit Number AR0001210.

As provided by Ark. Code Ann. § 8-4-230 and Arkansas Pollution Control and Ecology Commission Rule 8.216, this Temporary Variance is issued subject to the public's right to object to this decision within ten (10) business days of the public notice of the decision. After consideration of the written objections, the Director may within thirty (30) calendar days of the date of the initial decision, for compelling reasons or good cause shown, revoke or modify the conditions of the temporary variance. The Director's revocation or modification of her initial decision becomes a final decision for purposes of appeal. Upon issuance, notice of the final decision shall be sent to the applicant and those persons who submitted timely objections. If the Director's initial decision is not revoked or modified within thirty (30) calendar days of the date of the decision, the decision is deemed final for purposes of appeal.

The Division has prepared the enclosed public notice and will arrange for the publication of this document. 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 payment as soon as possible but no later than thirty (30) days from the above date to Division of Environmental Quality, ATTN: Permits Branch – Office of Water Quality; 5301 Northshore Drive; North Little Rock, AR 72118-5317.

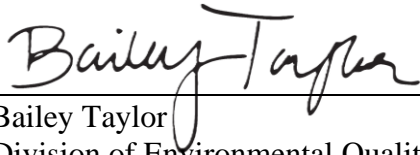
Any actions taken by Georgia-Pacific Crossett LLC - Crossett Paper Operations in reliance upon this Temporary Variance are strictly at the permittee's own risk, and no actions or expenditures by Georgia-

Pacific Crossett LLC - Crossett Paper Operations during this period shall be construed as accruing equities in Georgia-Pacific Crossett LLC - Crossett Paper Operations's favor.

Ark. Code Ann. § 8-4-230(a)(2) states that a temporary variance shall not exceed a period of ninety (90), except when a longer period is justified by circumstances beyond the applicant's control. Because the applicant has submitted timely information for reissuance of their NPDES permit, the DEQ has determined a longer period, not to exceed one (1) year, is justified for this variance. Therefore, if a permit is not issued within the one (1) year time frame, the permittee must request in writing an extension of this Temporary Variance. Should Georgia-Pacific Crossett LLC - Crossett Paper Operations allow this Temporary Variance to expire or fail to submit a request for an extension in a timely manner prior to permit issuance, the facility could be subject to an enforcement action by the Division. In order to facilitate the review process, the facility should submit the request three (3) weeks prior to the expiration date, with proof that any delays resulted from circumstances beyond the facility control.

If you have any questions, please contact Jessica Sears, P.E. at (501) 682-0621.

Sincerely,

A handwritten signature in cursive script that reads "Bailey Taylor". The signature is written in dark ink and is positioned above a horizontal line.

Bailey Taylor  
Division of Environmental Quality, Director  
Chief Administrator, Environment  
Arkansas Department of Energy & Environment

December 6, 2024  
Issue Date

Enclosure

## NOTICE OF ENVIRONMENTAL TEMPORARY VARIANCE

Georgia-Pacific Crossett LLC - Crossett Paper Operations  
Permit Number AR0001210 – AFIN 02-00013

Notice is hereby given, pursuant to Ark Code Ann. Section 8-4-230(a)(1)(B), that the Director of the Division of Environmental Quality (DEQ), 5301 Northshore Drive, North Little Rock, AR 72118-5317, phone number (501) 682-0650, has granted a Temporary Variance to Georgia-Pacific Crossett LLC - Crossett Paper Operations, P.O. Box 3333, Crossett, AR 71635. The facility is hereby authorized to reduce the AOX and the Dioxin monitoring frequency to once per year, as specified in the correspondence received on November 19, 2024, prior to the final issuance of the renewal permit for this facility. The facility is located at 100 Mill Supply Road, Crossett, AR 71635.

Pursuant to Ark. Code Ann. § 8-4-230 and Arkansas Pollution Control and Ecology Commission Rule 8.216, any member of the public may object to the Director's decision within ten (10) business days of the date of this notice. Objections will be accepted if submitted no later than 4:30 pm on the last day of the comment period. Written objections should be sent to: Division of Environmental Quality, ATTN: Office of Water Quality, 5301 Northshore Drive, North Little Rock, AR 72118-5317, or by e-mail at: [EE.WaterComment@arkansas.gov](mailto:EE.WaterComment@arkansas.gov).

After consideration of any timely written objections, the Director may revoke or modify the conditions of this temporary variance within thirty (30) calendar days of the date of this decision for compelling reasons or good cause shown. The Director's revocation or modification of her prior decision becomes a final decision for purposes of appeal. Upon issuance of the final decision, notice of the final decision will be sent to the applicant and those persons who submitted timely objections. If the Director's initial decision is not revoked or modified within thirty (30) calendar days of the date of the decision, the decision is deemed final for purposes of appeal.

Documents concerning this matter are available for viewing and copying at E&E headquarters, 5301 Northshore Drive, North Little Rock, AR 72118 between the hours of 8:00 a.m. and 4:30 p.m.

Dated this 6 day of December, 2024

Bailey Taylor  
Division of Environmental Quality, Director  
Chief Administrator, Environment  
Arkansas Department of Energy & Environment