



THE COOPER TIRE COMPANY
3500 East Washington Road • Texarkana, AR 71854 • (870) 773-4502

Via Facsimile and Certified Mail No.

March 16, 2009

Mr. Shane Byrum
Permits Branch
Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

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NH

RE: Cooper Tire & Rubber Company - Texarkana, Arkansas,
NPDES Permit No. AR0038822
Draft Permit

Dear Mr. Byrum:

As you know, Cooper Tire & Rubber Company (Cooper) operates an industrial facility located at 3500 East Washington Road in Texarkana, Arkansas. The Arkansas Department of Environmental Quality (ADEQ) has issued NPDES Permit Number AR0038822 to the facility, which authorizes the discharge of storm water runoff and air conditioner condensate at Outfall 001. The permit expired on June 30, 2008. The ADEQ issued a draft renewal permit on or about February 15, 2009. Cooper has reviewed the draft permit and submits the comments below.

1. Section 9 of the Statement of Basis indicates that the Average Flow for the facility is 10.3 MGD, based on the highest monthly average flow during the last two years. Because of this flow, seasonal limits for zinc were removed from the permit and seasonal limits for mercury were not established.

Upon further investigation, Cooper has determined that backwater from the receiving stream may have caused higher than actual flows to be reported on previous discharge monitoring reports (DMRs). Cooper is conducting a flow study to determine the extent of the backwater influence on flow measurements and establish a more accurate flow measurement method. Based on the results of this study, Cooper reserves the right to modify the permit to include seasonal limits for zinc and mercury, if appropriate.

2. Section 14 of the Statement of Basis indicates that the draft discharge limitations for Total Suspended Solids (TSS) are based on 40 CFR 122.44(l) and the previous permit. The "antibacksliding" requirements found in 40 CFR 122.44(l) prevent the permitting authority from issuing permits with limitations that are less stringent than previous permits. However, 40 CFR 122.44(l)(2)(i) provides exceptions to the antibacksliding

requirements in cases where substantial alterations to the permitted facility have occurred and/or where information is available that was not available at the time of permit issuance that justifies the application of a less stringent limitation. Both of these exceptions apply with respect to TSS limits in Cooper's draft permit.

Since the previous permit was issued on May 31, 2003, Cooper has made a significant investment in substantial alterations to the facility and procedures aimed at reducing TSS concentrations. A source evaluation identified Retention Pond carryover, soil erosion, trash handling, carbon black unloading and distribution, and process equipment exhausts as sources of TSS. Improvements implemented in these areas are summarized below. These improvements represent the best available technology (BAT) for reducing TSS in discharges from each area.

NPDES Outfall 001 Improvements

- Completed the upgrades to Storm Water Outfall 001 to reduce erosion and control sediment, including the installation of a concrete flume, automated sampler and flow measurement device

South Trash Compactor Building

- Expanded the South Trash Compactor Building to provide additional containment of carbon black and other dusty materials and enclosed processing of plant waste
- Outsourced management and cleaning of the South Trash Compactor Building and surrounding area to full-time on-site contractor with primary focus on housekeeping and minimizing releases to the environment

North Trash Handling Area

- Eliminated the North Trash Handling Area by concentrating all trash handling activities in and around the South Trash Handling Building

Oil Storage Building

- Expanded Oil Storage Building to provide additional cover over all new and used oil containers which reduces exposure to potential spills of oil to storm water

Scrap Metal Hopper

- Expanded the cover over the Scrap Metal Hopper to include all new and scrap metal
- Outsourced management and cleaning of the metal storage area to full-time on-site contractor with primary focus on housekeeping and to ensure the area is clean of oils or other materials

Erosion and Sediment Control

- Implemented numerous upgrades to plant grounds to minimize erosion by installing gravel cover, berms, covered awnings and other runoff controls.

Carbon Black Handling System

- Installed roof over and semi-enclosure around carbon black unloading area minimizing carbon black releases to environment
- Installed level indicators on carbon black dust bags
- Installed conveyor system to re-inject usable carbon black dust back into the mixing system, reducing the potential for dust spillage and reducing landfill disposal
- Developed and implemented SOP for carbon black unloading/handling including daily checks and cleaning of carbon black handling system

Dust Collection Systems

- Reviewed dust collection systems and made improvements where necessary to minimize release of carbon black and other dusty materials to the environment
 - Installed new dust collectors on #5 and #6 Mixers
 - Installed hoods on mixer dewatering shakers on No. 1 and 4 Mixers
 - Replaced dust collector on #7 Pellet Cooler with wet scrubber
- Improved dust collector monitoring, collection, & maintenance program with carbon black mechanic and utility personnel dedicated solely to carbon black system

Mixing Building Roof

- Outsourced a majority of central compounding, reducing operator handling and potential for spillage or fugitive emissions
- Installed super sack dispensing systems for zinc oxide which has minimized releases of zinc oxide from empty 50 pound bags
- Improved monitoring and cleaning the plant roof for fugitive dust buildup with utility personnel dedicated to maintenance and cleaning of plant roof

Curing / Finishing Roof

- Improved monitoring and cleaning the plant roof for fugitive dust buildup with utility personnel dedicated to maintenance and cleaning of plant roof

Tank Truck & Rail Car Unloading Areas

- Developed and implemented SOP for daily checks of trackmobile used to spot rail cars and Rail Car Unloading SOP, reducing risk of leaks and spillage

Tank Farm

- Developed and implemented SOP for handling oil

The above referenced improvements were previously reported in more detail to ADEQ in progress reports, annual updates, corrective action reports, facility visits, face-to-face meetings, etc. More detail on any item or previous reports can be provided upon request.

In addition to the substantial alterations to the facility / procedures listed above, Cooper contracted with FTN Associates (FTN) to conduct an assessment of the receiving stream downstream of Cooper's discharge. The purpose of the assessment was to evaluate whether Cooper's discharge caused or contributed to violations of the narrative criteria

for solids found in Section 2.408 of Regulation No. 2. FTN conducted a visual investigation of the receiving stream on March 11, 2009, from the Outfall 001 discharge point to approximately 0.3 miles downstream. Within this reach approximately twenty-five locations along the stream were specifically evaluated for the deposition of solids. FTN's assessment found no evidence of distinctly visible excess solids, bottom deposits, or shoaling in the receiving stream indicating that the narrative criteria are being met in the receiving stream. Please find attached representative photographs of the receiving stream downstream of Outfall 001 supporting FTN's assessment. During the week of FTN's investigation, TSS concentration in the receiving stream upstream of Cooper's discharge was found to be 656 mg/L. The predominant flow upstream of Cooper's discharge is from off-site sources.

Given that Cooper has implemented BAT to control TSS discharges, that the narrative criteria for solids discharges is being met downstream of Cooper's discharge, and that background concentrations of TSS in the receiving stream appear to be much higher than Cooper's permit limit, Cooper requests that the TSS limitations in the draft permit be removed. Cooper is committed to maintaining the BAT control measures and would be willing to provide ADEQ annual verification that the BMPs implemented to address the TSS issues are being maintained at BAT levels, if necessary.

3. Should the ADEQ decide to keep TSS limitations in the permit, Cooper requests that ADEQ consider less stringent limitations based on Cooper's implementation of BAT, resulting from significant alteration to the facility, and new information in the form of discharge monitoring report (DMR) data submitted under the current permit and the FTN stream investigation. The attached chart shows the TSS data reported since the effective date of the current permit through February 2009. This chart indicates improved and less variable TSS concentrations beginning in August 2006 when BAT was fully implemented and effective. These improvements reduced the average TSS concentration from 24 mg/L (July 2003 through July 2006) to 16 mg/L (August 2006 through February 2009). Also note that the rate of permit exceedences dropped from 40% to 19%.

Despite the implementation of BAT and the resulting improvements in TSS discharges, a non-compliance rate of approximately 20% is still anticipated with current TSS limitations. The receiving stream shows no impact from previous exceedences indicating that the TSS limitations are more stringent than necessary to adequately protect the receiving stream. Given the application of BAT, FTN's stream investigation, and the anticipated non-compliance rate with current TSS limitations, Cooper requests less stringent TSS limitations in the permit if ADEQ still feels limits are necessary. For your consideration, please note that the 95th percentile of observed monthly average data since August 2006 is 33 mg/L.

4. The draft permit includes a requirement to monitor mercury concentrations in the discharge for three years after the permit becomes effective. Then, discharge limitations on mercury will take effect.

Mercury was detected in four discharge samples taken during a twenty-four hour period in March 2008. The concentrations were 0.024, 0.020, 0.038, and 0.043 ug/l, for a geometric average of 0.029 ug/l. The latter two, and the average, exceed the discharge limitation that would be imposed in three years. Mercury was not detected in samples associated with the permit issued in 2003.

Contrary to its use of zinc compounds, Cooper does not use mercury in its process. Consequently, any mercury that may be present in the discharge must be related to trace impurities in certain raw materials, including boiler fuels, and to atmospheric deposition associated with upwind sources. In either case, the opportunities to control and reduce mercury concentrations in the discharge are extremely limited.

In view of the fact that the mercury requirement is based on minimal data and that little can be done to control and reduce concentrations, Cooper objects to mercury limitations being placed in the permit at this time. We request that ADEQ change this requirement to "report" throughout the life of the permit, unless additional data warrant a change.

5. The draft permit includes a requirement to monitor toxicity for *P. promelas* once per two months. If toxicity is identified, the draft permit requires monthly monitoring until the limitation is met for three consecutive months. In the current permit, the monitoring requirement is once per quarter. Cooper requests that the once per quarter monitoring frequency for *P. promelas* be retained in the new permit.
6. The draft permit includes monitoring requirements for the effluent characteristics that are not consistent. The requirements are summarized in the table below.

Effluent Characteristics	Monitoring Requirements
BOD5	Two/month
DO	Two/month
TSS	Two/month
Oil & Grease	Two/month
pH	Two/month
Zinc	One/month
Mercury	One/month

There have been no historical compliance issues associated with the Oil & Grease and pH. TSS concentrations have decreased significantly so that the discharge typically meets the limitations. BOD5 and DO are new parameters, but no compliance issues are anticipated based on data collected from the outfall. In view of this, and the fact that this is a storm water discharge, monitoring once per month seems adequate and appropriate. Therefore, Cooper requests that the monitoring requirement for all characteristics be one/month.

7. The interim and final monitoring requirements are specified on Page 1 and Page 2 in Part IA of the draft permit. The following characteristics are to be monitored twice per month: BOD5, TSS, DO, O&G, and pH. The table includes note 4 which indicates that

the samples are to be taken during the first discharge of the monitoring period. This requirement is somewhat confusing. The first discharge of the monitoring period occurs once per month, yet the monitoring frequency is twice per month. Cooper requests that this requirement be once per month.

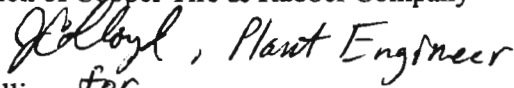
8. Section 14.c. of the Statement of Basis includes the following statement: "The facility...includes stormwater runoff from the parking lot area on the north side of the facility (Outfall 003) and stormwater runoff from the office area on the east side of the facility (Outfall 004)."

Please correct this statement. The statement should read "The facility...includes stormwater runoff from the parking lot area on the north side of the facility (Outfall 004) and stormwater runoff from the office area on the *west* side of the facility (Outfall 003)."

Cooper appreciates the continued cooperation of the ADEQ in this matter. If you have any questions or require any additional information, please call Charles Allen (870) 779-4260.

Sincerely yours,

THE COOPER TIRE COMPANY
A Division of Cooper Tire & Rubber Company


Tom Cullins *for*
Production Manger, Texarkana Operations

pc: Charles Allen Tom Wood
 Craig Lloyd Jim Malcolm – FTN



Photo 1. Receiving stream immediately downstream of outfall 001.



Photo 2. Representative reach of receiving stream. (note no sediment deposits)

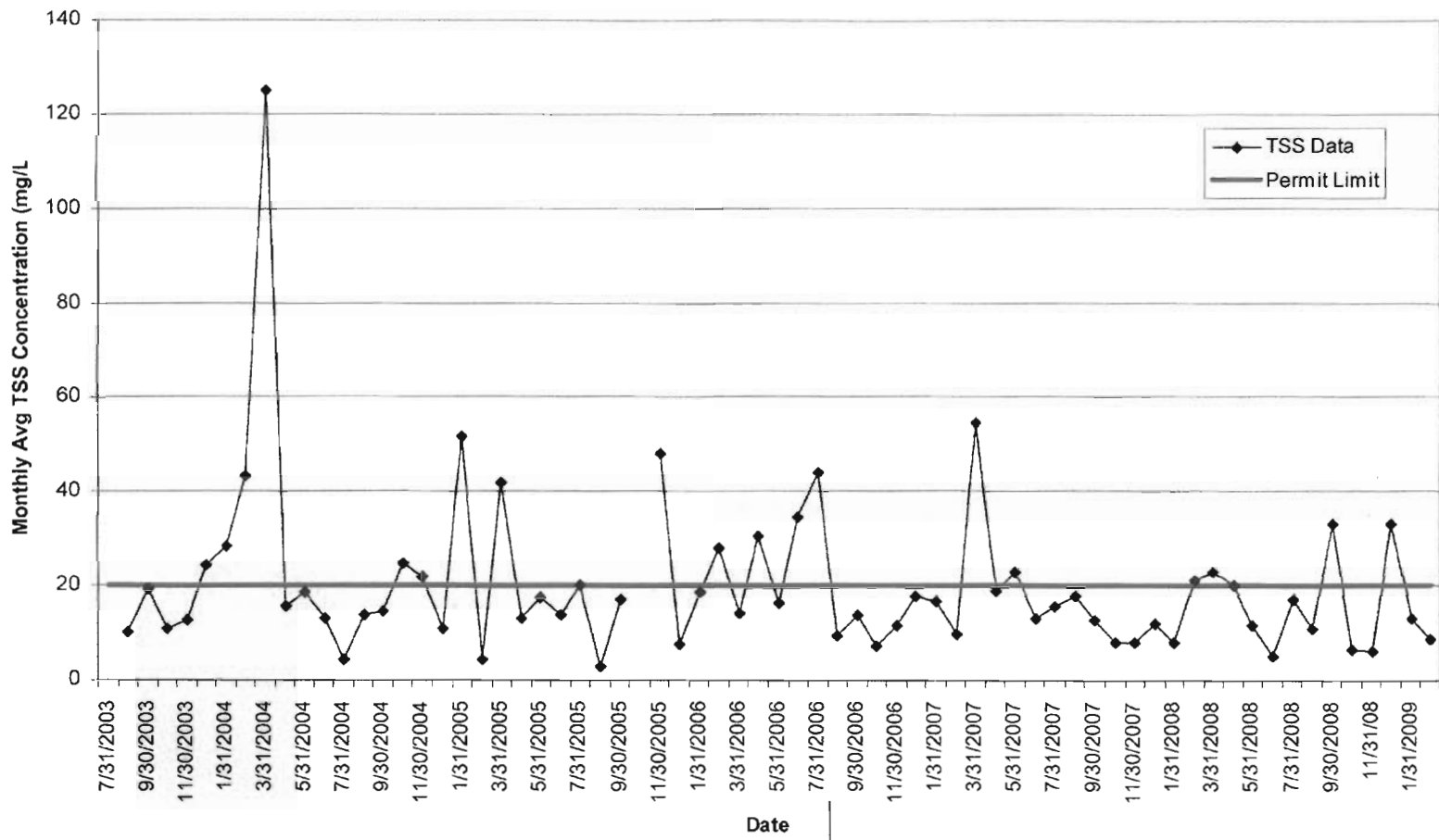


Photo 3. Representative reach of receiving stream. (area where TSS would be expected to be deposited if discharged from upstream source)



Photo 4. Photo taken from stream looking at nearby metal scrap yard with dirt road.

Cooper Tire TSS DMR Data



13 violations
July 2003 - July 2006

BAT
fully
implemented

6 violations
Aug 2006 - Jan 2009