

ADEQ

ARKANSAS
Department of Environmental Quality

March 11, 2009

Tom Cullins, Interim Plant Manager
Cooper Tire and Rubber Company
3500 Washington Rd.
Texarkana, AR 71854

RE: NPDES Permit AR0038822; AFIN: 46-00005

Dear Mr. Cullins:

We have received your letter dated March 9, 2009, requesting a twenty day extension of the comment period on the referenced draft permit. The Department appreciates your ongoing environmental efforts to maintain compliance with permit requirements. However, the Department does not feel like an extension of the comment period is necessary based on the following reasons:

1. The draft permit already contains a compliance schedule for performing an engineering study on the flow measurement practices. This compliance schedule grants Cooper Tire a period of 90 days after the permit effective date to complete the study and grants Cooper Tire a period of 180 days after the permit effective date to complete the corrective actions that the study recommends and comply with the flow measurement accuracy requirements. In addition, since the permit limits are based on a critical low flow of the receiving stream of zero, any results of this study will not change the permit limits.
2. The inclusion of mercury limits in the draft permit was based on four samples, not one sample as stated in your letter. In addition, the draft permit already contains a compliance schedule for the new mercury limits. This compliance schedule grants Cooper Tire a period of 3 years after the effective date before the mercury limits go into effect. During the interim period, Cooper Tire can request a permit modification to remove the mercury limits and the Department will consider the additional data to determine if reasonable potential to exceed water quality standards still exists. If the Department determines that no reasonable potential exists after additional data is collected, then the permit can be modified to remove the final mercury limits. This would not violate the antibacksliding regulations since this determination would be based on new information that was not available at the time of permit issuance. Any permit modification would be subject to the applicable permit modification fee at that time.

3. Total Suspended Solids (TSS) limits were continued from the previous permit. 40 CFR 122.44(l) states that limits in a renewed permit must be as stringent as those in the previous permit unless new information is available that was not available at the time of last permit issuance that justify less stringent limits. The Department is not aware of any new information at this time that would justify less stringent TSS limitations. Although, the cover letter of the permit renewal application states that additional data supporting alternative TSS limits were previously submitted, the Department is unaware of any additional data other than what has been reported on the DMRs related to TSS limits. Cooper Tire is welcome to submit additional data or information related to TSS limits anytime during the permit term for Department review.

Your letter states the comment period will close on March 13. However, the notice was published on February 13 and since the 30th day falls on a weekend the comment period officially ends at close of business on **March 16**.

If you have have questions please feel free to call me or Mr. Mo Shafii at (501) 682-0616 or by email at: shafii@adeq.state.ar.us.

Sincerely,



Steve Drown
Chief, Water Division

SD:sb