

ASH GROVE CEMENT COMPANY



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Kelth Byorly
Environmental Manager

August 18, 2017

USPS Certified: 7015 0640 0007 0169 0596
Mr. Guy Lester
Staff Engineer
Discharge Permits Section, Water Division
Arkansas Department of Environmental Quality
5301 Northshore Drive,
North Little Rock, AR 72118-5317

Subject: Comments on Draft Permit
Ash Grove Cement Company
NPDES No. AR0042846
AFIN: 41-00001

Dear Mr. Lester,

Herein please find the Ash Grove Cement Company (Ash Grove) comments on the draft permit. Ash Grove appreciates the opportunity to provide the Arkansas Department of Environmental Quality (ADEQ) comments on the document.

ADEQ cites the Arkansas Pollution Control and Ecology Commission (APC&EC) Regulation 2.409 and the Continuing Planning Process (CPP) to require the proposed sampling. The regulation and guidance do not justify the permit condition. Ash Grove requests with all due respect the ADEQ remove the monitoring requirement for total recoverable arsenic from the final permit.

APC&EC Regulation No. 2.508 presents the Aquatic Life Criteria adopted for the State of Arkansas, and the regulation does not contain protective standards for arsenic. ADEQ obtained the data on Arsenic in the application from the company using a provision requiring the company to adhere to a limit. The department seeks to continue to get the company to monitor and report in the same way, without explanation, citing the discharge limitations; while APC&EC did not adopt water quality criteria under the APC&EC Regulation No. 2.508. The justification provided in the permit documents does not explain a reason to collect the additional data in the absence of the APC&EC adoption of criteria for the basis of a comparison. Ash Grove provided Arsenic data with the application and the ADEQ can use the data to perform a potential analysis in the event Arkansas adopts an arsenic Water Quality Standard.

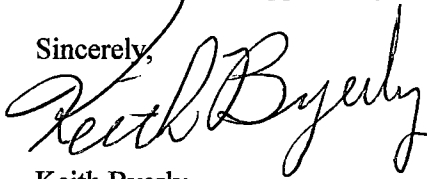
The company also understands the ADEQ may amend the CPP soon to eliminate the provision ADEQ relied upon in support of the tests the Department proposed.

In the event Ash Grove and ADEQ move forward with an appeal process, some inconsistencies in the document which ADEQ should nevertheless address in a final permit if they still include the conditions are the following. In both cases, ADEQ should add identical footnotes to the tables saying the requirements sunset after one year, and allow the use of any EPA approved test method for arsenic.

- On page 12 of the Statement of Basis, the statement makes no mention of sampling for recoverable arsenic in outfall 002. However, sampling requirements appear in the draft under Section A2 on Page 2 of Part IA.
- On page 2 of Part IA (Outfall 002) there is a foot note numbered 3 for total recoverable arsenic in the table in the Effluent Characteristic row. However, here is no foot note under the table. ADEQ should add a footnote.

Thank you for the opportunity to comment on the draft permit.

Sincerely,

A handwritten signature in cursive script that reads "Keith Byerly". The signature is written in black ink and is positioned above the printed name.

Keith Byerly

cc: Ted Jennings
Mike Harrell
Scott Nielson
Craig McMahon
Bob Blanz - ADEQ

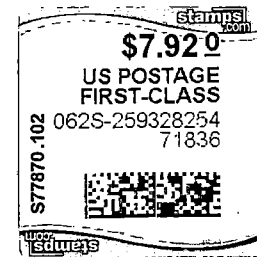
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