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From: David Carstens

Sent: Monday, May 15, 2023 12:06:52 PM

To: Terry Liu (adpce.ad)

Cc: Jessica Sears (adpce.ad)

Subject: Exploratory Ventures - Comments on Revised Pre-Draft NPDES Permit No. AR0053384 (AFIN 47-01073)

Importance: Normal

Attachments:

[EV_Pre-Draft NPDES Permit AR0053384_Admin Comments_Final_May-15-2023.pdf](#)  [EV_Pre-Draft NPDES Permit AR0053384_Redline_Final_May-15-2023.docx](#) 

Dear Mr. Liu:

This email is submitted on behalf of Exploratory Ventures, LLC (EV) in Osceola, Arkansas (AFIN 47-01073).

Thank you for the opportunity to submit administrative comments on revised pre-draft NPDES Permit No. AR0053384, which was provided to EV on May 9, 2023.

Our comments are summarized in the enclosed document (file #1).

A redline-strikeout version of the pre-draft permit which shows the proposed changes is also attached for your reference (file #2).

Your consideration of our administrative comments on pre-draft NPDES Permit No. AR0053384 is appreciated. Please contact me if you have any questions. Thank you.

David Carstens

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Exploratory Ventures, LLC
 Comments on Revised Pre-Draft NPDES Permit No. AR0053384
 AFIN: 47-01073

Exploratory Ventures, LLC (EV) is making the following administrative comments on the revised pre-draft NPDES permit dated May 9, 2023, for the Osceola, Arkansas, facility.

- (1). Correct the typographic error in the introduction to Paragraph 6, "Whole Effluent Toxicity Testing", of Part II, "Other Conditions" (page 2), as follows:

It is unlawful and a violation of this permit for a permittee or his designated agent, to manipulate test samples in any manner, to delay sample shipment, or to terminate or to cause to terminate a toxicity test. Once initiated, all toxicity tests must be completed unless specific authority has been granted by EPA Region 6 or the State NPDES permitting authority (DEQ).

- (2). Correct the typographic errors in Section A, "Scope and Methodology", of Paragraph 6, "Whole Effluent Toxicity Testing", of Part II, "Other Conditions" (page 2), to be consistent with the critical dilution (0.05%) and effluent dilution series (0.02%, 0.03%, 0.04%, 0.05%, and 0.07%) specified in the Fact Sheet (page 18). The proposed changes are as follows:

(A). Scope and Methodology

- (i). The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

Applicable To Final Outfall(S)	EV-201
Reported On DMR As Final Outfall	EV-201
Critical Dilution (%)	0.5 0.05
Effluent Dilution Series (%)	0.2, 0.3, 0.4, 0.5, 0.7 0.02, 0.03, 0.04, 0.05, 0.07
Testing Frequency	Once/Quarter
Sample Type	"Composite Sample (defined in Paragraph B.iii)"
Test Species/Methods	40 C.F.R. §136

- (3). Correct the typographic error in Section B, "Required Test Conditions and Test Acceptability Criteria", of Paragraph 6, "Whole Effluent Toxicity Testing", of Part II, "Other Conditions" (pages 3 and 4), as follows:

* If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples and the minimum number of effluent portions are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent and must meet the holding time between collection and first use of the sample.

When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item ~~3~~C of this section.

- (4). Correct the typographic error in Section E, "Persistent Toxicity", of Paragraph 6, "Whole Effluent Toxicity Testing", of Part II, "Other Conditions" (page 7), as follows:

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal effects at or below the critical dilution. Significant toxic effects⁷ are herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

- (5). For the sake of future reference, the language on retests in Section E, "Persistent Toxicity", of Paragraph 6, "Whole Effluent Toxicity Testing", of Part II, "Other Conditions" (pages 7 and 8), should be clarified as follows:

- (i). Retest

The permittee shall conduct a total of three (3) additional tests for any species that demonstrates significant lethal effects at or below the critical dilution. The three additional tests shall be conducted monthly (one test per month) during the next three consecutive months. If testing on a quarterly basis, the permittee may substitute one of the additional tests in lieu of one routine toxicity test. A full report shall be prepared for each test required by this section in accordance with the reporting requirements previously outlined and available upon request from the Agency.

A redline-strikeout version of the pre-draft permit which shows the proposed changes is enclosed for your reference.