

**EXHIBIT A**

**TYSON-WALDRON'S RESPONSIVE SUMMARY  
AND STATEMENT OF BASIS AND PURPOSE**

**BEFORE THE ARKANSAS POLLUTION CONTROL  
AND ECOLOGY COMMISSION**

<b>IN RE: REQUEST BY TYSON FOODS, INC. –</b>	)	
<b>WALDRON PLANT TO INITIATE</b>	)	<b>DOCKET NO. 13-005-R</b>
<b>RULEMAKING TO AMEND REGULATION</b>	)	
<b>NO.2</b>	)	

**TYSON FOODS, INC – WALDRON PLANT’S STATEMENT OF BASIS AND PURPOSE**

Tyson Foods, Inc. – Waldron Plant (“Tyson-Waldron”) submits the following Statement of Basis and Purpose:

1. The Arkansas Pollution Control and Ecology Commission (“APCEC or “the Commission”) is authorized to promulgate rules implementing the powers and duties of the Arkansas Department of Environmental Quality (“ADEQ” or “the Department”) and APCEC, including regulations prescribing water quality standards. Ark. Code Ann. § 8-4-202(a) and (b).
2. The relevant Arkansas statutes provide further that any person has the right to petition the APCEC for an amendment to any rule. On January 11, 2019, Tyson-Waldron filed its Second Amended Petition to Initiate Third-Party Rulemaking to Amend APCEC Regulation No. 2. The petition was submitted pursuant to and in compliance with APCEC Regulation No. 2, §§ 2.303 and 2.308, APCEC Regulation No. 8, § 8.809, and ADEQ’s Continuing Planning Process. On January 25, 2019, the APCEC entered Minute Order 19-03 granting Tyson-Waldron’s Second Amended Petition.
3. Through its Second Amended Petition, Tyson-Waldron sought modification to the water quality criteria for dissolved minerals, as follows:
  - a. Modify the dissolved minerals water quality criteria for the Unnamed Tributary from the Tyson-Waldron outfall to the confluence with the Poteau River
    - chlorides from 150 mg/L to 180 mg/L
    - sulfates from 70 mg/L to 200 mg/L

TDS from 660 mg/L to 870 mg/L

- b. Modify the dissolved minerals water quality criteria for the Poteau River from the confluence with the Unnamed Tributary to the Highway 59 Bridge

chlorides from 120 mg/L to 185 mg/L

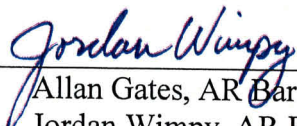
sulfates from 60 mg/L to 200 mg/L

TDS from 500 mg/L to 786 mg/L

4. Tyson-Waldron's Second Amended Petition is supported by the following:
- Tyson-Waldron is not seeking a change from current water quality conditions in the Unnamed Tributary and the Poteau River;
  - Designated uses for the Unnamed Tributary and the Poteau River are being maintained;
  - All stations downstream of the Tyson-Waldron discharge indicate support of a diverse macroinvertebrate community;
  - All stations downstream of the Tyson-Waldron discharge indicate support of the Aquatic Life (Fishery) use according to ADEQ Assessment Criteria;
  - Concentrations of dissolved minerals (chlorides, sulfates, and TDS) downstream of the Tyson-Waldron discharge are not adversely affecting the macroinvertebrate community;
  - Whole effluent toxicity testing results reveal an excellent toxicity record and documents that the levels of chloride, sulfate, and TDS discharged from the Tyson-Waldron plant do not interfere with organism health;
  - Current wastewater treatment plant operations require 100% optimization at all times to stay below permit limits, which allows for zero margin of safety in performance;
  - There is no other economically feasible treatment technology for the removal of the minerals. Reverse osmosis treatment technology is available; however, it is not cost effective, it generates a concentrated waste stream that is environmentally difficult to dispose of, it is not required to meet the designated uses, and it would produce no significant additional environmental protection;
  - Proposed modifications would enable Tyson-Waldron to implement water conservation practices saving nearly 70.2MG water/year and facilitating a 10-20% reduction in nutrient loading to the Poteau River;

- 40 CFR 131.11(b)(1)(ii) provides states with the opportunity to adopt water quality standards that are “modified to reflect site-specific conditions”; and
- The basis for site-specific standards is set forth in 40 CFR 131.10(g).

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