



THE DEPARTMENT OF ARKANSAS  
**HERITAGE**

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Arkansas Arts Council

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Arkansas Historic  
Preservation Program

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Delta Cultural Center

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Mosaic Templars  
Cultural Center

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Old State House Museum

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Historic Arkansas Museum

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Arkansas Natural Heritage  
Commission



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Date: August 5, 2013  
Subject: Notice of Proposed Third-Party Rulemaking  
Tyson Foods, Inc.  
ANHC No.: S-ADEQ-13-088

Mr. Doug Szenher  
Arkansas Department of Environmental Quality  
Public Outreach and Assistance Division  
5301 Northshore Drive  
North Little Rock, AR 72118

Dear Mr. Szenher:

Staff members of the Arkansas Natural Heritage Commission (ANHC) have reviewed the changes proposed by Tyson Foods, Inc. to the Arkansas Pollution Control and Ecology Commission's Regulation 2. Tyson operates a feed mill, chicken processing plant, and hatchery at Waldron, with a wastewater discharge to an unnamed tributary of the Poteau River. The company proposes to revise Regulation 2 by modifying the state water quality standards for chloride (CL), sulfates (SO<sub>4</sub>), and total dissolved solids (TDS) as follows:

- For the unnamed tributary of the Poteau River from the point of Tyson's wastewater discharge downstream to the point of discharge for the City of Waldron's wastewater treatment plant, changing the CL standard from 150 milligrams per liter (mg/l) to 80 mg/l; the SO<sub>4</sub> standard from 70 mg/l to 121 mg/l; and the TDS standard from 660 mg/l to 411 mg/l.
- For the unnamed tributary of the Poteau River from the point of the City of Waldron's wastewater discharge downstream to the confluence with the Poteau River, changing the CL standard from 150 mg/l to 106 mg/l; the SO<sub>4</sub> standard from 70 mg/l to 117 mg/l; and the TDS standard from 660 mg/l to 514 mg/l;
- And for the Poteau River from its confluence with the unnamed tributary downstream to the Arkansas-Oklahoma state line, changing the CL standard from 120 mg/l to 106 mg/l; the SO<sub>4</sub> standard from 60 mg/l to 117 mg/l; and the TDS standard from 500 mg/l to 514 mg/l.

The ANHC works to conserve the state's biological diversity by identifying ecologically important areas. To that end, the agency maintains a database of information on locations of species of conservation concern. Our records indicate the occurrence of the following species of state conservation concern in the Poteau River from the confluence with the unnamed tributary to the Oklahoma State Line:

*Lampsilis siliquoidea*, fatmucket  
*Lasmigona costata*, flutedshell  
*Notropis ortenburgeri*, Kiamichi shiner

*Obovaria jacksoniana*, southern hickorynut  
*Toxolasma lividum*, purple lilliput  
*Villosa arkansasensis*, Ouachita creekshell  
*Villosa lienosa*, little spectaclecase

All of these species except purple lilliput (*Toxolasma lividum*) are listed in the Arkansas State Wildlife Action Plan as “Species of Greatest Conservation Need.” Ouachita creekshell (*Villosa arkansasensis*) and southern hickorynut (*Obovaria jacksoniana*) have been given conservation ranks indicating they are imperiled globally. We believe it would be appropriate to consider the implications of this proposed Regulation change to these species.

The opportunity to comment is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Cindy Osborne". The script is cursive and fluid, with the first name "Cindy" and last name "Osborne" clearly legible.

Cindy Osborne  
Data Manager/Environmental Review Coordinator