



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 10, 2025

Via Email

Bailey Taylor, Director
Arkansas Division of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317
bailey.taylor@arkansas.gov

RE: EPA Complaint No. 27R-16-R6 Closure of Monitoring

Dear Director Taylor:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of External Civil Rights Compliance (OECRC) has determined that the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), has complied with the terms of the Informal Resolution Agreement (Agreement), dated January 8, 2021, between DEQ and OECRC, relating to EPA Complaint No. 27R-16-R6. Accordingly, OECRC is closing the monitoring of the Agreement and the complaint itself as of the date of this letter.

Previously, pursuant to Section III of the Agreement, DEQ submitted a report to OECRC demonstrating the completion of some deliverables including:

1. DEQ's response to EPA Region 6's comments on Mossy Lake and Coffee Creek (as required under Section III.A of the Agreement).¹

¹ OECRC's determination that DEQ satisfied this IRA requirement by submitting a response to EPA's comments on Mossy Lake and Coffee Creek only reflects that DEQ has complied with its nondiscrimination obligations per the terms of this Agreement. By reaching this decision, EPA is not making a supporting statement about the truth or content of DEQ's response or finds that DEQ is complying with the Clean Water Act or any other federal environmental statute or regulation. Accordingly, notwithstanding the closure of the civil rights complaint, EPA Region 6 expressly reserves the right to continue its ongoing discussions with DEQ about its compliance with environmental statutes and regulations regarding the identified water bodies.

2. A letter from DEQ's Title VI Coordinator to DEQ's Office of Water Quality (OWQ) requesting assistance on establishing a community representative for the triennial review stakeholder work group (as required under Section III.B of the Agreement).
3. A letter to Georgia Pacific Crossett LLC (GP) from DEQ's OWQ requesting that GP collect split samples during four monthly sampling events, collect samples from the discharge from Mossy Lake, ensure a DEQ observer will be present during the collection of samples, send split samples to an accredited laboratory selected by DEQ, provide monthly flow records, provide chain of custody records and provide lab results for its discharge monitoring reports (DMRs) for the monitoring periods from January 2021 to January 2023 (as required under Section III.C of the Agreement).
4. A screenshot of the DEQ's "Crossett Community Information Page" online detailing reported violations of the Safe Drinking Water Act from the Arkansas Department of Health (ADH) (as required under Section III.D of the Agreement).
5. A summary indicating that GP has discontinued the processes at their facilities that would necessitate an Odor Management Plan, and an explanation that GP was made aware that it should plan to provide an Odor Management Plan for work that could result in increased odor from the facility (as required under Section III.F of the Agreement).
6. A copy of GP's semi-annual progress report regarding the two remaining supplemental environmental projects (SEPs) required by Paragraph 39 of the Amended Consent Decree (ACD) (as required under Section III.G and H of the Agreement).
7. A summary acknowledging the implementation of an email subscription link on DEQ's "Crossett Community Information Page" online (as required under Section III.I of the Agreement).
8. A summary explaining that DEQ's "Crossett Community Information Page" online has a designated area that has been established for online video tutorials on how to access permits (as required under Section III.J of the Agreement).
9. A letter from DEQ to the Arkansas Division of Emergency Management (ADEM) asking ADEM to encourage Ashley County's local emergency planning committee (LEPC) and the City of Crossett to participate in the Integrated Public Alert & Warning System (IPAWS) and requesting ADEM to provide support to Ashley County's LEPC and the City of Crossett for public safety preparedness and planning programs (as required under Sections III.K and L of the Agreement).

In addition to the report, OECRC more recently reviewed separate documentation submitted by DEQ demonstrating the completion of additional deliverables in accordance with Section III of the Agreement, including:

10. Email correspondence between DEQ counsel and GP confirming that DEQ has encouraged GP to work with ADEM and Ashley County through its public/private partnership program to assist with the planning and preparedness for man-made or natural disasters (as required under Section III.M of the Agreement).
11. A letter from EPA Region 6 office (Region 6)² to DEQ confirming DEQ's submission of GP's National Pollutant Discharge Elimination System (NPDES) permit to Region 6 and DEQ's efforts to finalize reissuance of the GP NPDES permit to conform with the requirements of the Clean Water Act and federal regulations in concert with Region 6 (as required under Section III.E of the Agreement).

By satisfying the above commitments, DEQ has now fulfilled all of the commitments set forth in Section III of the Agreement.

Neither the closure of the monitoring or closure of the complaint affects DEQ's continuing responsibility under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI), 40 C.F.R. Parts 5 and 7, and as applicable, other federal nondiscrimination laws,³ nor does it affect EPA's investigation of any Title VI or other federal civil rights complaint or address any other matter not covered by the closure. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

I thank you and your staff for your cooperation in this matter. If you have any questions, please contact Senior Advisor Kurt Temple by email at temple.kurt@epa.gov.

Sincerely,

Susan Park
Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

² EPA Region 6 reviewed DEQ's submission of GP's NPDES permit with no objections to DEQ's submission and reported this to OECRC on May 28, 2025.

³ See Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 *et seq.*; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); 40 C.F.R. Parts 5 and 7.

cc: Stacey Dwyer
Deputy Regional Administrator
Deputy Civil Rights Official
EPA Region 6

Patricia Welton
Regional Counsel
EPA Region 6