

**Region 6 - Enforcement & Compliance Assurance Division**  
**INSPECTION REPORT**

|                                        |                                  |                                 |
|----------------------------------------|----------------------------------|---------------------------------|
| Inspection Date(s):                    | 03/9/2023                        |                                 |
| Media Program:                         | Water                            |                                 |
| Regulatory Program(s)                  | NPDES                            |                                 |
| Company Name:                          | <b>Anthony Timberlands, Inc.</b> |                                 |
| Facility Name:                         | <b>Beirne</b>                    |                                 |
| Facility Physical Location:            | 16243 State Highway 51           |                                 |
| (city, state, zip code)                | Beirne, Arkansas 71721           |                                 |
| Mailing address:                       | Post Office Box 137              |                                 |
| (city, state, zip code)                | Bearden, Arkansas 71720          |                                 |
| County/Parish:                         | Ouachita                         |                                 |
| Facility Phone Number                  | 870-353-2517                     | 870-313-4114                    |
| Facility Contact:                      | Wilson Anthony                   | Director- Regulatory Compliance |
|                                        | wanthony@anthonytimberlands.com  |                                 |
| FRS Number:                            | 110071399360                     |                                 |
| Identification/Permit Number:          | AR0047546                        |                                 |
| Media Identifier Number:               | WN-Water-NPDES                   |                                 |
| NAICS:                                 | 321113                           |                                 |
| SIC:                                   | 2421                             |                                 |
| Personnel participating in inspection: |                                  |                                 |
| Steven Anthony                         | Anthony Timberlands, Inc.        | President                       |
| Mike McQueen                           | Anthony Timberlands, Inc.        | Vice President of Operations    |
| Chelsey Sherwood                       | USEPA-ECDWR.                     | Life Scientist                  |
| David Esparza, PE                      | USEPA-ECDWM                      | Environmental Engineer          |
| EPA Lead Inspector Signature/Date      |                                  |                                 |
| EPA Lead Inspector Signature/Date      | Chelsey Sherwood                 | Date: May 3, 2023               |
| Supervisor Signature/Date              |                                  |                                 |
| Supervisor Signature/Date              | Curry Jones                      | Date                            |

## **Section I – INTRODUCTION**

### **PURPOSE OF THE INSPECTION**

United States Environmental Protection Agency (EPA) Region 6 inspectors David Esparza, PE, and Ms. Chelsey Sherwood, arrived at Anthony Timberlands-Beirne facility, in Beirne, Arkansas, at approximately 2:20 PM on March 9, 2023, for an unannounced inspection. David Esparza and I presented our credentials to Mr. Mike McQueen, Vice President of Operations, of Anthony Timberlands, Inc. (ATI). I informed him that this was an EPA inspection to determine the facility's compliance under the Clean Water Act (CWA) and the requirements of the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the CWA. The generation of this report is based on information supplied by Beirne representatives, observations made by the EPA inspectors, and records and reports maintained by the permittee (Beirne), and the EPA. Before leaving the facility on March 9, 2023, an exit briefing was held with Mr. Mike McQueen, to explain areas of concern noted at the time of the inspection.

### **FACILITY DESCRIPTION**

According to ATI's website and information obtained from employees, the Beirne facility was purchased from International Paper in 1981, this hardwood lumber mill has a production capacity of 50 million board feet, making it one of the largest hardwood mills in the South region. Within reach of the fertile bottomlands of the Little Missouri, Ouachita, and Saline rivers – an area with excellent drainage that regularly produces some of the finest oak and ash in the country – this mill has access to some of the highest quality hardwood fiber in the country. Additionally, Beirne boasts the largest hardwood pre-drying facility in the nation, with a capacity of 2.75 million board feet. This mill specializes in high grade 1" red and white oak lumber, pallet cants, and railroad ties. Located along the Union-Pacific railroad and with direct access to Interstate 30, Beirne can ship goods quickly and efficiently throughout the country. The approximate 85-acre mill site is in the near proximity to 16243 State Hwy 51, Beirne, Clark County, Arkansas, 71721 (denoted in **Figure 1** below). Coordinates to the mill are in the vicinity of: Latitude 33.89157, Longitude -93.20585. According to Mr. McQueen, the mill currently is operating at one day a week on a one shift schedule on Monday and employs approximately 75 individuals.



Figure 1. Overall view of the Anthony Timberlands-Beirne facility displaying petroleum storage locations. Received from Mr. Wilson Anthony. Map Key below:

**A** – 12,000 gallon

**B** – Five tanks. 575 gallon, 265 gallon, 265 gallon, 150 gallon, and 265 gallon

**C** – 265 gallon

**F** – 575 gallon

**G** – 475 gallon

**H** – 275 gallon, 265 gallon

**I** – 475 gallon

**J** – 575 gallon

## Section II – OBSERVATIONS

The following points of discussion are derived from review of the information provided by Anthony Timberlands representatives, their consultant, or on-site visual observation.

- The current discharge permit AR0047546 was reissued for a 5-year term in accordance with regulations promulgated at 40 CFR Part 122.46(a) effective on June 1, 2021, with an expiration date of May 31, 2026 (**Appendix 1, AE&E Permit AR0047546**).
- In response to the March 16, 2023, Request of Information (RFI) regrading “a complete electronic copy of your current Stormwater Pollution Prevention Plan (SWPPP), inclusive of all on-site inspection reports for the previous two (2) years”. ATI states, **this facility does not have a stormwater permit. The facility’s discharge is covered under permit AR0047546 which does not require a SWPPP or inspections.**
- A review of AE&E permit AR0047546 indicates in the permit’s **Final Statement of Basis** - §12 STORMWATER REQUIREMENTS- states that, “stormwater runoff commingling with wet deck runoff, noncontact cooling water, and boiler blowdown discharged from outfall 001 shall be managed in accordance with Best Management Practices (BMPs) to control the quality of stormwater discharges associated with industrial activity that are authorized by this permit. Use of BMPs in lieu of numeric effluent limitations in NPDES permits is authorized under 40 CFR 122.44(k) when the Permitting Authority finds numeric effluent limitations to be infeasible to carry out the purposes of the Clean Water Act...The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility.” (**Appendix 1, AE&E Permit AR0047546**).
- In response to the March 16, 2023, Request of Information (RFI) regrading, “Electronic copies of your Stormwater Annual Report (SWAR) for the previous two (2) years (2021 and 2022), inclusive of appurtenant analytical analysis”. ATI states, **SWARs are not required under the facility’s permit.** (**Appendix 1, AE&E Permit AR0047546**).
- A review of the information provided by ATI in their written response to March 16, 2023, Request for Information (RFI), indicates the facility maintains on-site 13 bulk petroleum storage tanks of the following capacities: 1-150-gallon, 5-265-gallon, 1-275-gallon, 2-475-gallon, 3-575-gallon, 1-12,000-gallon. (**Figure 1, Appendix 2 Site Map of Petroleum Storage Tanks**).
- Swale carrying runoff from site directly towards McNeeley Creek, which is approximately 197 linear feet from Photo 8 location. No BMPs in place to minimize runoff. (**Appendix 3, Photograph 8**).
- Runoff from site observed carrying black sediments and oil sheen into intermittent stream just upstream of facility processes on Beirne Mill Road. No BMPs in place to minimize runoff. (**Appendix 3, Photograph 17**).
- Housekeeping – 1) unlabeled fuel tank lines; and 2) wood waste material deposited potentially below Ordinary High Water Mark and along river left potentially sloughing off into stream. (**Appendix 3 Photograph 17 and 20**).

## Section III – SUMMARY/AREAS OF CONCERN (AOC)

The evaluation can be summarized as follows:

- In response to the March 16, 2023, Request of Information (RFI) regarding “a complete electronic copy of your current Stormwater Pollution Prevention Plan (SWPPP), inclusive of all

on-site inspection reports for the previous two (2) years. ATI states, **this facility does not have a stormwater permit. The facility's discharge is covered under permit AR0047546 which does not require a SWPPP or inspections.** **Note<sup>1</sup>:** Based on the response to the RFI inspection reports have not been regularly scheduled or performed. **Note<sup>2</sup>:** The AE&E permit AR0047546 indicates in the permit's **Final Statement of Basis** - §12 STORMWATER REQUIREMENTS- states that, "stormwater runoff commingling with wet deck runoff, noncontact cooling water, and boiler blowdown discharged from outfall 001 shall be managed in accordance with Best Management Practices (BMPs) to control the quality of stormwater discharges associated with industrial activity that are authorized by this permit. Use of BMPs in lieu of numeric effluent limitations in NPDES permits is authorized under 40 CFR 122.44(k) when the Permitting Authority finds numeric effluent limitations to be infeasible to carry out the purposes of the Clean Water Act...The permittee must amend the BMPs whenever there is a change in the facility or a change in the operation of the facility." In a note to 40 CFR 122.44(k), guidance documents are listed to for developing BMPs, which means "schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage". **(Appendix 1, AE&E Permit AR0047546).**

- In response to the March 16, 2023, Request of Information (RFI) regrading, "An electronic copy of your Spill Prevention, Control, and Countermeasure (SPCC) pertaining to your on-site fuel storage." **The facility is currently in the process of adding some secondary containments. Once that is complete the facility will complete a SPCC. There is No Spill Prevention, Control and Countermeasure (SPCC) plan for this Facility.** The information provided by ATI in their written response to a March 16, 2023, Request for Information (RFI), indicates the facility maintains on-site 13 bulk petroleum storage tanks of the following capacities: 1-150-gallon, 5-265-gallon, 1-275-gallon, 2-475-gallon, 3-575-gallon, 1-12,000-gallon. **(Figure 1, Appendix 2 Site Map of Petroleum Storage Tanks).** In accordance with §311 of the Clean Water Act (CWA) (<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>) and the SPCC Rule (40 CFR 112), a SPCC plan is required (Appendix 3 Request for Information (RFI) Response).
- Swale carrying runoff from site directly towards McNeeley Creek, which is approximately 197 linear feet from Photo 8 location. No BMPs in place to minimize runoff. **(Appendix 3, Photograph 8).**
- Runoff from site observed carrying black sediments and oil sheen into intermittent stream just upstream of facility processes on Beirne Mill Road. No BMPs in place to minimize runoff. **(Appendix 3, Photograph 17).**
- Housekeeping – 1) unlabeled fuel tank lines; 2) wood waste material deposited potentially below Ordinary High Water Mark and along river left potentially sloughing off into stream; and 3) waste manifest documents for cleaning out settling ponds. **(Appendix 3, Photograph 17 and 20).**

EPA Region 6 inspector Chelsey Sherwood and David Esparza conducted a closing conference at Anthony Timberlands-Beirne facility on March 9, 2023, for the inspection.

#### Section IV – FOLLOW UP

The following information was received by EPA on March 17, 2023, in an ATI "redline" explanation to the March 16, 2023, Request for Information (RFI) after exiting the Facility on March 9, 2023:

- A complete electronic copy of your current Stormwater Pollution Prevention Plan (SWPPP), inclusive of all on-site inspection reports for the previous two (2) years. **This facility does not have a stormwater permit. The facility's discharge is covered under permit AR0047546 which does not require a SWPPP or inspections.**
- An electronic copy of your Processed Water permit. **Permit AR0047546 is attached**
- A current copy of the facility Site Map delineating the total foot-print area, locations/volumes of the on-site fuel storage tanks, and outfalls. **Site Map with storage tanks and total footprint attached. I believe you made a copy of a Site Map that shows the location of the facility's outfall. Please let me know if you did not make a copy, and I can provide you with a scanned version.**
- An electronic copy of your Spill Prevention, Control, and Countermeasure (SPCC) pertaining to your on-site fuel storage. **The facility is currently in the process of adding some secondary containments. Once that is complete the facility will complete a SPCC.**
- Electronic copies of your Stormwater Annual Report (SWAR) for the previous two (2) years (2021 and 2022), inclusive appurtenant analytical analysis. **SWARs are not required under the facility's permit.**
- Electronic copies of your calibration and maintenance records for your continuous monitoring instrumentation, inclusive of serial numbers (S/N) – **The facility doesn't maintain any continuous monitoring instruments.**
- Electronic copies of your waste manifests for the transport/disposal for the previous two (2) years. – **Please clarify this request. The facility does not produce or dispose of any hazardous waste.** Note, Mr. Anthony mentioned, **"We dispose of wood waste (sawdust, bark, off-spec chips) via third-party sales. The number of hauls for this material over two years would be quite substantial though."**

## Section V – LIST OF APPENDICES

Appendix 1 –**AE&E Permit AR0047546.**

Appendix 2 – **Site Map of Petroleum Storage Tanks** provided by ATI

Appendix 3 – **Photograph Log**