IN THE MATTER OF:
ENSCO, Inc.
El Dorado, Arkansas
EPA ID No. ARD069748192

ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (hereinafter "Order") is issued pursuant to the authority of the Arkansas Hazardous Waste Management Act (Act 406 of 1979, as amended; A.C.A. §8-7-201 et seq.) and the Arkansas Regulation No. 23 (hereinafter "Reg. 23").

The issues herein, as they pertain to ENSCO, Inc. (hereinafter "ENSCO") having been settled by the agreement of ENSCO and the Arkansas Department of Pollution Control and Ecology (hereinafter "ADPC&E"), it is hereby agreed and stipulated by all parties that the Findings of Fact and Order and Agreement be entered herein.

FINDINGS OF FACT

1. ENSCO is an Arkansas corporation which owns and operates a commercial hazardous waste management facility in El Dorado, Union County, Arkansas.

2. ENSCO received a permit (permit number 10-H) for thermal treatment, tank storage, container storage, and post-closure care of three closed scrubber brine lagoons effective June 26, 1988, in accordance with the Arkansas Hazardous Waste Management Act. The permit has been subsequently modified and is currently in effect as Permit Number 10-HR-1.
3. On December 12, 1994, an explosion occurred when a 2300 pound container of spent oxygen breathing apparatus (O.B.A.) canisters was dropped into the shredder of Kiln No. 1. The O.B.A. canisters provided oxygen to non-hazardous combustible waste already in the shredder. The ensuing reaction resulted in the explosion which damaged the shredder unit and caused a fire that injured one employee directly and at least two more employees indirectly. During the resulting fire, ENSCO could not immediately access information to let the El Dorado Fire Department know what type of waste was involved in the fire. The violations associated with this incident include:

a. ADPC&E Regulation No. 23 Section 264.56(b) - Failure to immediately identify the character, exact source, amount, and areal extent of any released materials whenever there is a release, fire, or explosion, and

b. ADPC&E Regulation No. 23 Section 264.31 and Permit 10-HR-2, Part II.A.2(a) - Failure to design, construct, maintain, and operate a facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituent to air, soil, or surface water which could threaten human health or the environment.

4. On February 18, 1995, a shipment of hazardous waste (D001, D018, and D035) was received by ENSCO. This shipment of hazardous waste was placed into Tank 8 which is not a
permitted hazardous waste storage tank. The violations associated with this incident are:

a. Permit 10-HR-3, Part I.A. - Unauthorized storage of hazardous waste, and

b. Permit 10-HR-3, Part II.A.1.b. - Storage of hazardous waste in a tank that is not specifically permitted for that activity.

5. On March 25, 1995, a fire occurred in the shredder building of Kiln No. 3 at ENSCO. Vapors from aerosol cans that were being shredded escaped to the atmosphere through a faulty mechanical seal on the shredder slide gates and then the containment chamber housing the shredder slide gates. These vapors were ignited outside the shredder causing a flash of flames which rose to the conveyor area above the shredder. The flames ignited a 250 pound box of non-RCRA aerosol containers. One employee was injured as a result of this incident. These events are a violation of ADPC&E Regulation No. 23 Section 264.17(a) which states that the owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste.

6. On April 10 through 12, 1995, ADPC&E conducted a Compliance Evaluation Inspection (CEI) at the ENSCO facility. Additionally, ENSCO is monitored daily by on-site ADPC&E inspection personnel. The findings of the CEI and the daily
monitoring revealed additional violations of ADPC&E Regulation No. 23 for the inspection period beginning November 16, 1994 and ending April 12, 1995. These violations are identified in the CEI report (hereinafter "the CEI report") dated April 10-12, 1995, which is hereby incorporated into this Order as if set forth herein word for word.

7. Without admitting to or agreeing with any alleged violations cited during the period beginning November 16, 1994, and ending upon the execution date of this Order, and without admitting any liability for any of the matters cited, ENSCO agrees to the following Order and Agreement in full settlement and compromise of any and all alleged violations within the knowledge of ADPC&E and specifically identified herein for the aforesaid period.

8. ENSCO has submitted reports to ADPC&E describing ENSCO's responses, investigations, and findings following the events of December 12, 1994, February 18, 1995, and March 25, 1995, and has worked with ADPC&E to develop additional controls and measures to minimize the possibility of the same or similar events from recurring.

ORDER AND AGREEMENT

9. ENSCO shall not operate Kiln No. 1 or associated equipment, except as approved by ADPC&E. ADPC&E may provide approval, at its sole discretion, for ENSCO to operate Kiln No. 1 and
associated equipment after ENSCO has demonstrated to the satisfaction of ADPC&E that said unit and equipment has been replaced, repaired, modified, inspected, tested, certified, or otherwise serviced, and necessary changes in operating procedures and controls have been implemented.

10. In addition to any other requirement of this Order, ENSCO shall, immediately and continuously hereafter, implement such actions as are necessary to achieve and maintain compliance with the requirements of ADPC&E Regulation No. 23 with respect to violations 1 through 26, as those violations are identified on pages 4 through 6 of the CEI report.

11. In compromise and full settlement of the violations specified in the Findings of Fact, ENSCO agrees to pay a civil penalty of FIFTY-SEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS ($57,250). Payment is due within thirty (30) days of the effective date of this Consent Administrative Order. Such payment shall be made payable to the ADPC&E, Attn: Ms. Al Eckert, Attorney, P.O. Box 8913, Little Rock, Arkansas 72219-8913. In the event that ENSCO fails to pay the civil penalty within the prescribed time, ADPC&E shall be entitled to attorneys fees and costs of collection.

12. All submittals required by the Order and Agreement excluding the requirements in paragraph 11 above shall be submitted by Certified Mail or hand delivered to Mr. Joseph M. Hoover,
Enforcement Branch Manager, Hazardous Waste Division, ADPC&E, P.O. Box 8913, Little Rock, Arkansas 72219-8913.

13. All requirements by the Order and Agreement are subject to approval by ADPC&E. In the event of any deficiencies, ENSCO, shall, within thirty (30) days of the receipt of written notification by ADPC&E, submit any additional information or changes requested. Failure to adequately respond to the notice of deficiency within thirty (30) days constitutes a failure to meet a deadline and subjects ENSCO to the civil penalties established in paragraph 14 below, provided that such notice clearly declares that failure to respond within thirty (30) days of receipt is a failure to meet requirements established by this Order.

14. If ENSCO fails to submit to ADPC&E any reports or plans, or meet any other requirement of this Order within the applicable deadline established in the Order, ADPC&E may assess penalties for delay in the following amounts:

a. First day through the tenth day: $500.00/day or less

b. Eleventh day through the twentieth day: $750.00/day or less

c. Twenty-first day through the thirtieth day: $1,000.00/day or less

d. Each day beyond the thirtieth day: $2,500.00/day or less

These stipulated penalties may be imposed for delay in
scheduled performance and shall be in addition to any other remedies or sanctions which may be available to ADPC&E by reason of ENSCO's failure to comply with the requirements of this Order.

15. If any event occurs, including but not limited to an Act of God, which causes or may cause delay in the achievement of compliance by ENSCO with the requirements of this Order, ENSCO shall notify ADPC&E, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the deadline has passed. The written notice shall describe in detail the anticipated length of delay, the precise cause of delay, the measures taken and to be taken to minimize the delay, and the timetable by which those measures are implemented.

16. The ADPC&E may grant a written extension of any provision of this Order, provided that ENSCO requested such an extension in writing and provided that the delay or anticipated delay has been caused by circumstances beyond the control of and without the fault of ENSCO. The time for performance may be extended for a reasonable period but, in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without fault of ENSCO and the length of delay attributable to such circumstances shall rest with
ENSCO. Failure to notify ADPC&E promptly, as provided in paragraph 15 above, shall be sufficient grounds for denying an extension.

17. Nothing contained in this Order shall be construed as a waiver of ADPC&E's enforcement authority over alleged violations not specifically addressed herein; nor does this Order exonerate past, present, or future conduct which is not expressly addressed herein. Nothing contained herein shall relieve ENSCO of any other obligations imposed by any local, state, or federal laws, nor shall this Order be deemed in any way to relieve ENSCO of its responsibilities for obtaining or complying with any necessary permits or licenses.


RANDALL MATHIS
DIRECTOR

APPROVED AS TO FORM AND CONTENT;
ENSCO, INC.

BY: Steven K. Darnell
(signature)

(print name)

TITLE: General Manager

DATE: 7/10/95