



## DIVISION OF ENVIRONMENTAL QUALITY

Sarah Huckabee Sanders  
GOVERNOR

Shane E. Khoury  
SECRETARY

August 16, 2023

Derek Turner, General Manager  
El Dorado Chemical Company  
4500 North West Ave.  
El Dorado, AR 71730

EMAIL: [DTurner@lsbindustries.com](mailto:DTurner@lsbindustries.com)

### **NOTICE OF NON-COMPLIANCE**

**RE: Notice of Non-Compliance and Corrective Action Plan Request**  
El Dorado Chemical Company  
NPDES Permit Number: AR0000752, AFIN: 70-00040

Dear Mr. Turner:

The Division of Environmental Quality (DEQ) requests your response to the violations of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. §§ 8-4-201 *et seq.*, set forth below and requests the submission and immediate implementation of a corrective action plan to address each of the violations set forth below.

#### **Findings of Non-Compliance**

On July 25, 2023, the DEQ Office of Water Quality conducted an environmental document review of the monitoring records submitted for the above-referenced facility for the period of June 1, 2022, through June 30, 2023. During the period of review, 103 violations of the permitted effluent limitations were reported for the facility. Each effluent limitation violation is also a violation of Ark. Code Ann. § 8-4-217(a)(3).

Violations of the permitted effluent limitations were reported for the parameters listed below. An itemization of the effluent limitation violations is attached to this notice.

- Ammonia Nitrogen
- Chloride
- Fecal Coliform Bacteria
- Nitrate
- Oil and Grease
- pH
- Total Dissolved Solids
- Total Recoverable Copper

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- Total Recoverable Lead
- Total Recoverable Zinc
- Total Suspended Solids
- Whole Effluent Toxicity, *C. dubia*
- Whole Effluent Toxicity, *P. promelas*

### **Statutory, Regulatory, or Permit Authority**

1. Permit AR0000752, Part I, Section A

During the period beginning three years from the effective date and lasting until the date of expiration, the permittee is authorized to discharge from Outfall 001, Outfall 002, Outfall 003, Outfall 006, Outfall 007, Outfall 010. Such discharges shall be limited and monitored by the permittee as specified [in the table set forth in Part I, Section A of the permit].

2. Arkansas Code Annotated § 8-4-217(a)(3)

It shall be unlawful for any person to violate any provisions of this chapter or of any rule or order adopted by the Arkansas Pollution Control and Ecology Commission under this chapter or of a permit issued under this chapter by the Division of Environmental Quality.

### **Corrective Action Plan to Address Non-Compliance**

1. El Dorado Chemical Company shall submit a Corrective Action Plan (CAP), developed and certified by a Professional Engineer (PE) licensed in the state of Arkansas, that details the corrective actions necessary to resolve the non-compliance set forth above and in the attached table and includes a detailed milestone schedule with final compliance date to achieve compliance with NPDES Permit AR0000752. The CAP shall be submitted to DEQ, for review and approval, **within thirty (30) calendar days** of receipt of this letter and shall be submitted via email to [water-enforcement-report@adeq.state.ar.us](mailto:water-enforcement-report@adeq.state.ar.us).
2. El Dorado Chemical Company shall implement the approved CAP and submit the following to DEQ:
  - a. Quarterly progress reports detailing the progress made under the CAP and the remaining items to be completed. The quarterly reports shall be due on the 15th day of the first month of each quarter with the first quarterly report due to DEQ by October 15, 2023.
  - b. A final report, upon completion of the CAP, stamped by a PE licensed in the state of Arkansas, certifying that all corrective actions in the CAP have been completed and demonstrating that El Dorado Chemical Company is in compliance with NPDES Permit AR0000752.

In addition to the significant number of violations of the permitted effluent limitations set forth in NPDES Permit AR0000752, El Dorado Chemical Company is currently listed on EPA's Significant Non-Compliance List. DEQ is drafting a consent administrative order to address the violations of NPDES Permit AR0000752.

Should you have any questions concerning this notice or if you would like to schedule a meeting to discuss these issues, please contact Leslie Allen-Daniel, Enforcement Coordinator, at 501-682-0630 or [leslie.allen-daniel@adeq.state.ar.us](mailto:leslie.allen-daniel@adeq.state.ar.us).

Sincerely,



Richard Healey  
Enforcement Branch Manager, DEQ, OWQ  
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Charles McDowell, Environmental Leader, [cmcdowell@lsbindustries.com](mailto:cmcdowell@lsbindustries.com)

<b>DMR End Date</b>	<b>Dsch#</b>	<b>Parameter</b>	<b>Limit Value</b>	<b>DMR Value</b>
06/30/2022	010-A	Oil & Grease (DAILY MX, lb/d)	250.2	373.09
06/30/2022	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	342.59
06/30/2022	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	648.85
06/30/2022	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	675.38
07/31/2022	002-A	pH (MINIMUM, SU)	6	5
07/31/2022	002-A	Nitrogen, ammonia total [as N] (MO AVG, mg/L)	12	64
07/31/2022	002-A	Nitrogen, ammonia total [as N] (DAILY MX, mg/L)	18	64
07/31/2022	002-A	Zinc, total recoverable (MO AVG, ug/L)	115.62	260
07/31/2022	002-A	Zinc, total recoverable (DAILY MX, ug/L)	231.99	260
07/31/2022	002-A	Lead, total recoverable (MO AVG, ug/L)	3.8	4.4
08/31/2022	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	364.71
08/31/2022	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	713.01
09/30/2022	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	525.54
09/30/2022	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	796.12
09/30/2022	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	679.75
10/31/2022	003-F	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	.7	1.14
10/31/2022	003-F	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	1.1	1.14
10/31/2022	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	309.41
11/30/2022	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	321.78
12/31/2022	002-A	Nitrogen, ammonia total [as N] (MO AVG, mg/L)	12	84
12/31/2022	002-A	Nitrogen, ammonia total [as N] (DAILY MX, mg/L)	18	84
12/31/2022	002-A	Zinc, total recoverable (MO AVG, ug/L)	115.62	420
12/31/2022	002-A	Zinc, total recoverable (DAILY MX, ug/L)	231.99	420
12/31/2022	002-A	Copper, total recoverable (MO AVG, ug/L)	12.2	14
12/31/2022	002-A	Solids, total dissolved (MO AVG, mg/L)	500	610
12/31/2022	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	602.51
12/31/2022	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	908.11
12/31/2022	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	743.26
01/31/2023	001-A	Solids, total suspended (MO AVG, lb/d)	700.6	1499.2
01/31/2023	001-A	Solids, total suspended (DAILY MX, lb/d)	1050.8	7926.34
01/31/2023	001-A	Solids, total suspended (MO AVG, mg/L)	30	33.71
01/31/2023	001-A	Solids, total suspended (DAILY MX, mg/L)	45	160
01/31/2023	001-A	Nitrogen, ammonia total [as N] (MO AVG, mg/L)	12	74.29
01/31/2023	001-A	Nitrogen, ammonia total [as N] (DAILY MX, mg/L)	18	88
01/31/2023	001-A	Chloride [as Cl] (MO AVG, mg/L)	38	43
01/31/2023	001-A	Solids, total dissolved (MO AVG, mg/L)	237	510
01/31/2023	001-A	Solids, total dissolved (DAILY MX, mg/L)	356	510
01/31/2023	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	960.01
01/31/2023	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	1134.97
01/31/2023	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	1053.98
01/31/2023	101-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	3002.27

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DMR End Date	Dsch#	Parameter	Limit Value	DMR Value
01/31/2023	101-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	4161.33
02/28/2023	001-A	Nitrogen, ammonia total [as N] (MO AVG, mg/L)	12	84.75
02/28/2023	001-A	Nitrogen, ammonia total [as N] (DAILY MX, mg/L)	18	88
02/28/2023	001-A	Chloride [as Cl] (MO AVG, mg/L)	38	45
02/28/2023	001-A	Solids, total dissolved (MO AVG, mg/L)	237	690
02/28/2023	001-A	Solids, total dissolved (DAILY MX, mg/L)	356	690
02/28/2023	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	1463.82
02/28/2023	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	1801.64
02/28/2023	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	1531.38
02/28/2023	010-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	1801.5
02/28/2023	101-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	4010.1
02/28/2023	101-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	4619.03
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (DLYAVMIN, %)	100	56
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (7 DA MIN, %)	100	56
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (DLYAVMIN, %)	80	56
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (7 DA MIN, %)	80	56
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (DLYAVMIN, %)	100	80
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (7 DA MIN, %)	100	80
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (DLYAVMIN, %)	80	<32
02/28/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (7 DA MIN, %)	80	<32
03/31/2023	003-Q	Solids, total suspended (MO AVG, lb/d)	2.1	<3.19
03/31/2023	003-Q	Coliform, fecal general (30DA GEO, #/100mL)	1000	1295
03/31/2023	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	1620.01
03/31/2023	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	1906.5
03/31/2023	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	1695.5
03/31/2023	010-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	2043.32
04/30/2023	001-A	Nitrogen, ammonia total [as N] (MO AVG, mg/L)	12	108.2
04/30/2023	001-A	Nitrogen, ammonia total [as N] (DAILY MX, mg/L)	18	130
04/30/2023	001-A	Solids, total dissolved (MO AVG, mg/L)	237	880
04/30/2023	001-A	Solids, total dissolved (DAILY MX, mg/L)	356	880
04/30/2023	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	2032.41
04/30/2023	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	2653.33
04/30/2023	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	2192.04
04/30/2023	010-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	2984.99
04/30/2023	101-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	4225.24
04/30/2023	101-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	5330.09
04/30/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (DLYAVMIN, %)	80	<32
04/30/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (7 DA MIN, %)	80	<32
04/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (DLYAVMIN, %)	100	42
04/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (7 DA MIN, %)	100	42

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<b>DMR End Date</b>	<b>Dsch#</b>	<b>Parameter</b>	<b>Limit Value</b>	<b>DMR Value</b>
04/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (DLYAVMIN, %)	80	<32
04/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (7 DA MIN, %)	80	<32
05/31/2023	001-A	Nitrogen, ammonia total [as N] (MO AVG, mg/L)	12	123.33
05/31/2023	001-A	Nitrogen, ammonia total [as N] (DAILY MX, mg/L)	18	130
05/31/2023	001-A	Solids, total dissolved (MO AVG, mg/L)	237	840
05/31/2023	001-A	Solids, total dissolved (DAILY MX, mg/L)	356	840
05/31/2023	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	1986.44
05/31/2023	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	2893.61
05/31/2023	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	2172.49
05/31/2023	010-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	2487.66
05/31/2023	101-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	3819.37
05/31/2023	101-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	4331.38
06/30/2023	010-A	Nitrogen, ammonia total [as N] (MO AVG, lb/d)	265.2	1909.35
06/30/2023	010-A	Nitrogen, ammonia total [as N] (DAILY MX, lb/d)	605	2204.46
06/30/2023	010-A	Nitrogen, nitrate total [as N] (MO AVG, lb/d)	581.3	1874.21
06/30/2023	010-A	Nitrogen, nitrate total [as N] (DAILY MX, lb/d)	1568.3	2150.8
06/30/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (DLYAVMIN, %)	80	<32
06/30/2023	TX1-B	Whole Effluent Toxicity [WET] - C. dubia (7 DA MIN, %)	80	<32
06/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (DLYAVMIN, %)	100	42
06/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (7 DA MIN, %)	100	42
06/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (DLYAVMIN, %)	80	<32
06/30/2023	TX1-B	Whole Effluent Toxicity [WET] - P. promelas (7 DA MIN, %)	80	<32

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