



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

January 11, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7008 0150 0003 0411 7249

Mr. Greg Withrow
General Manager
El Dorado Chemical Company
P.O. Box 231
El Dorado, AR 71731

Re: Administrative Order, Docket Number CWA-06-2010-1753
NPDES Permit Number AR0000752

Dear Mr. Withrow:

Enclosed is an Administrative Order (AO) issued to El Dorado Chemical Company for violation of the Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.). Violations were identified during a review of the permit files maintained by the Environmental Protection Agency (EPA) for your wastewater treatment facility. The violations alleged are for failure to meet effluent limits at various outfalls.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty (30) days of receipt of this AO. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2010-1753 and NPDES Permit Number AR0000752 in your response.

If you have any questions, please contact Mr. Anthony M. Loston, of my staff, at (214) 665-3109.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. Steven Drown
Chief, Water Division
Arkansas Department of Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733

FINDINGS OF VIOLATIONS and ORDER FOR COMPLIANCE

Docket Number: CWA-06-2010-1753, NPDES Permit Number AR0000752

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who has further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Permittee, El Dorado Chemical Company, Inc., is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
2. At all times relevant to this Order, the Permittee owned or operated a wastewater treatment facility located on the north side of the City of El Dorado, Arkansas, approximately 1 mile west of the Highway 7 Spur at 4500 Northwest Avenue, in Sections 6&7, Township 17 South, Range 15 West, in Union County, Arkansas ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.
3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater through:
a) Outfalls 001, 002, 003, 006 and 007 to an unnamed tributary of Flat Creek, thence to the Quachita River in Segment 2D of the Quachita River Basin; and b) Outfall 010 via a joint pipeline to the Quachita River, approximately 1.5 miles downstream of the H.K. Thatcher Lock and Dam in Segment 2D of the Quachita River Basin, which is a "water of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.
4. Because the Permittee owned or operated a facility that is a point source of discharges of pollutants to waters of the United States, the Permittee and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.
5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point

sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit.

7. The Permittee applied for and was issued NPDES Permit No. AR0000752 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on July 1, 2002. The first modification to the permit became effective June 1, 2004. The second modification to the permit became effective on April 1, 2007. At all relevant times, the Permittee was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.
8. Part I.A. of the permit places certain limitations on the quality and quantity of effluent discharged by the Permittee. The relevant discharge limitations are listed in Attachment A.
9. Certified DMRs, filed by the Permittee in compliance with the permit, show discharges of pollutants from the facility that exceed the permitted effluent limitations established in Part I.A. of the permit. The discharge(s) of pollutants that exceeded the permit limitations are specified in Attachment B.
10. Each violation of the conditions of this permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, EPA hereby orders the Permittee to take the following action:

- A. Within thirty (30) days of the effective date of this Order, the Respondent shall comply with all final permitted effluent limitations.
- B. In the event that compliance cannot be achieved, the Respondent shall submit to the Agency within sixty (60) days, a critical path analysis of when compliance will be achieved. This analysis shall include descriptions of the technology needed to achieve compliance, the estimated cost of the technology, and fixed date schedule of when compliance will be achieved.
- C. If Respondent would like to arrange a meeting with EPA to discuss the allegations set forth in this Order, it should contact EPA within forty-five (45) days of the effective date of this Order. The meeting will be held at the Region 6 offices, 1445 Ross Ave., Dallas, Texas, and the Respondent can

Re: Docket Number CWA-06-2010-1753

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provide any information it believes is relevant to this Order. Respondent shall submit to EPA all information or materials it considers relevant to EPA at least ten (10) days prior to such meeting.

D. To arrange a meeting, or to ask questions or make comment on this matter, please contact Mr. Anthony M. Loston, of my staff, at (214) 665-3109.

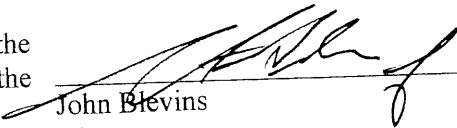
E. Any information or correspondence submitted by the Permittee to EPA under this Order shall be addressed to the following:

Ms. Nancy Williams
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

The effective date of this Order is the date it is received by the Permittee.

1-11-10

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division

GENERAL PROVISIONS

Issuance of this Order shall not be deemed an election by EPA to forego any administrative or judicial, civil, or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known. EPA reserves the right to seek any remedy available under the law that it deems appropriate. Failure to comply with this Order or the Act can result in further administrative action, or a civil judicial action initiated by the U.S. Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of the Permittee's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve the Permittee of its obligation to comply with any applicable federal, state, or local law or regulation.

Attachment A

Effluent Characteristics	Final Discharge Limitations for Outfall 001A			
	Loading		Concentration	
	kg/day (lbs/day) Monthly Avg.	kg/day (lbs/day) Daily Max	30 Day Avg. (mg/L)	Daily Max. (mg/L)
TSS				
Ammonia Nitrogen as N	265.7	811.84	12	18
Nitrate Nitrogen	405.02	1153.73	26.3	74.9
Copper	0.19	0.38	12.2 ug/L	24.48 ug/L
Selenium	0.09	0.17	5.58 ug/L	11.2 ug/L
Zinc	1.78	3.57	115.62 ug/L	231.99 ug/L
TDS	Report	Report	237	356
pH	NA	NA	Minimum - 6.0 Maximum -9.0	

Effluent Characteristics	Final Discharge Limitations for Outfall 002A			
	Loading		Concentration	
	kg/day (lbs/day) Monthly Avg.	kg/day (lbs/day) Daily Max.	30 Day Avg. (mg/L)	Daily Max. (mg/L)
TSS				
Ammonia Nitrogen as N	265.7	811.84	12	18
Nitrate Nitrogen	405.02	1153.73	26.3	74.9
Copper	NA	NA	12.2 ug/L	24.48 ug/L
Selenium	NA	NA	5.58 ug/L	11.2 ug/L
Zinc	NA	NA	115.62 ug/L	231.99 ug/L
TDS	Report	Report	500	750
pH	NA	NA	Minimum - 6.0 Maximum -9.0	

Effluent Characteristics	Final Discharge Limitations for Outfalls 003A			
	Loading		Concentration	
	kg/day (lbs/day) Monthly Avg.	kg/day (lbs/day) Daily Max.	30 Day Avg. (mg/L)	Daily Max. (mg/L)
Ammonia Nitrogen as N (May- October)	1.4	2.1	10	15
Ammonia Nitrogen as N (November-April)	2.1	3.3	15	23
pH	NA	NA	Minimum-6.0 Maximum- 9.0	

Effluent Characteristics	Final Discharge Limitations for Outfall 003A*			
	Loading		Concentration	
	kg/day (lbs/day) Monthly Avg.	kg/day (lbs./day) Daily Max.	30 Day Avg. (mg/L)	Daily Max. (mg/L)
Ammonia Nitrogen as N (May- October)	0.7	1.1	5	7.5
Ammonia Nitrogen as N (November-April)	1.4	2.1	10	2.1

Effluent Characteristics		Final Discharge Limitations for Outfalls 006A & 007A		
	Loading		Concentration	
	kg/day (lbs./day) Monthly Avg.	kg/day (lbs./day) Daily Max.	30 Day Avg. (mg/L)	Daily Max. (mg/L)
TSS				
Ammonia Nitrogen as N	NA	NA	Report	Report
Cadmium	NA	NA	2.03 ug/L	4.08 ug/L
Lead	NA	NA	3.8 ug/L	7.62 ug/L
Zinc	NA	NA	115.62 ug/L	231.99 ug/L
TDS	Report	Report	291	436.5
pH	NA	NA	Minimum - 6.0 Maximum - 9.0	

Effluent Characteristics		Final Discharge Limitations for Outfall SUM		
	Loading		Concentration	
	kg/day (lbs./day) Monthly Avg.	kg/day (lbs./day) Daily Max.	30 Day Avg. (mg/L)	Daily Max. (mg/L)
TSS				
Ammonia Nitrogen as N	265.7	811.84	12	18
Nitrate Nitrogen	405.02	1153.73	26.3	74.9

Attachment B

Date	Outfall	Parameter	Violation	Permit Limit
February 2005	007A	pH	2.5	6 (minimum)
April 2005	002A	pH	4.8	6 (minimum)
April 2005	007A	pH	5	6 (minimum)
May 2005	003A	pH	5.3	6 (minimum)
January 2007	003A	pH	5.3	6 (minimum)
January 2007	007A	pH	4.6	6 (minimum)
February 2007	007A	pH	2.5	6 (minimum)
September 2007	006A	pH	5.8	6 (minimum)
October 2007	006A	pH	4.7	6 (minimum)
October 2007	007A	pH	4.8	6 (minimum)
February 2009	001A	pH	9.6	9 (maximum)
July 2009	001A	pH	9.4	9 (maximum)
July 2007	001A	Selenium, Monthly Avg.	0.1 lbs/day	.09 lbs/day
July 2007	001A	Selenium, Monthly Avg.	6.24 mg/L	5.58 mg/L
September 2008	002A	Copper, Monthly Avg.	26 mg/L	12.2 mg/L
September 2008	002A	Copper, Daily Max.	26 mg/L	24.48 mg/L
May 2009	002A	Copper, Monthly Avg.	21 mg/L	12.2 mg/L
June 2009	001A	Copper, Monthly Avg.	13 mg/L	12.2 mg/L
June 2007	001A	TDS, Monthly Avg.	278 mg/L	237 mg/L
June 2007	006A	TDS, Monthly Avg.	1580 mg/L	291 mg/L
June 2007	006A	TDS, Daily Max.	1580 mg/L	436.5 mg/L
June 2007	007A	TDS, Monthly Avg.	1320 mg/L	291 mg/L
June 2007	007A	TDS, Daily Max.	1320 mg/L	436.5 mg/L
July 2007	001A	TDS, Monthly Avg.	246 mg/L	237 mg/L
July 2007	006A	TDS, Monthly Avg.	2170 mg/L	291 mg/L
July 2007	006A	TDS, Daily Max.	2170 mg/L	436.5 mg/L
July 2007	007A	TDS, Monthly Avg.	3000 mg/L	291 mg/L
July 2007	007A	TDS, Daily Max.	3000 mg/L	436.5 mg/L
August 2007	001A	TDS, Monthly Avg.	250 mg/L	237 mg/L

Date	Outfall	Parameter	Violation	Permit Limit
September 2007	006A	TDS, Monthly Avg.	610 mg/L	291 mg/L
September 2007	006A	TDS, Daily Max.	610 mg/L	436.5 mg/L
September 2007	007A	TDS, Monthly Avg.	720 mg/L	291 mg/L
September 2007	007A	TDS, Daily Max.	720 mg/L	436.5 mg/L
October 2007	007A	TDS, Monthly Avg.	550 mg/L	291 mg/L
October 2007	007A	TDS, Daily Max.	550 mg/L	436.5 mg/L
November 2007	001A	TDS, Monthly Avg.	280 mg/L	237 mg/L
December 2007	006A	TDS, Monthly Avg.	1100 mg/L	291 mg/L
December 2007	006A	TDS, Daily Max.	1100 mg/L	436.5 mg/L
December 2007	007A	TDS, Monthly Avg.	1100 mg/L	291 mg/L
December 2007	007A	TDS, Daily Max	1100 mg/L	436.5 mg/L
January 2008	006A	TDS, Monthly Avg.	714 mg/L	291 mg/L
January 2008	006A	TDS, Daily Max	740 mg/L	436.5 mg/L
January 2008	007A	TDS, Monthly Avg.	779 mg/L	291 mg/L
January 2008	007A	TDS, Daily Max.	910 mg/L	436.5 mg/L
March 2008	001A	TDS, Monthly Avg.	350 mg/L	237 mg/L
March 2008	006A	TDS, Monthly Avg.	330 mg/L	291 mg/L
March 2008	007A	TDS, Monthly Avg.	320 mg/L	291 mg/L
April 2008	001A	TDS, Monthly Avg.	310 mg/L	237 mg/L
April 2008	006A	TDS, Monthly Avg.	330 mg/L	291 mg/L
April 2008	007A	TDS, Monthly Avg.	307 mg/L	291 mg/L
May 2008	001A	TDS, Monthly Avg.	310 mg/L	237 mg/L
June 2008	001A	TDS, Monthly Avg.	280 mg/L	237 mg/L
June 2008	006A	TDS, Monthly Avg.	360 mg/L	291 mg/L
June 2008	007A	TDS, Monthly Avg.	310 mg/L	291 mg/L

Date	Outfall	Parameter	Violation	Permit Limit
June 2007	007A	Lead, Monthly Avg.	4.74 mg/L	3.8 mg/L
July 2007	006A	Lead, Monthly Avg.	53.3 mg/L	3.8 mg/L
July 2007	006A	Lead, Daily Max.	53.3 mg/L	7.62 mg/L
July 2007	007A	Lead, Monthly Avg.	24.4 mg/L	3.8 mg/L
July 2007	007A	Lead, Daily Max.	24.4 mg/L	7.62 mg/L
September 2007	007A	Lead, Monthly Avg.	17 mg/L	3.8 mg/L
September 2007	007A	Lead, Daily Max.	17 mg/L	7.62 mg/L
June 2008	006A	Lead, Monthly Avg.	6 mg/L	3.8 mg/L
June 2008	007A	Lead, Monthly Avg.	6 mg/L	3.8 mg/L
September 2008	002A	Lead, Monthly Avg.	4 mg/L	3.8 mg
July 2007	006A	Cadmium, Monthly Avg.	6.6 mg/L	2.03 mg/L
July 2007	006A	Cadmium, Daily Max.	6.6 mg/L	4.08 mg/L
June 2007	006A	Zinc, Monthly Avg.	170 mg/L	115.62 mg/L
June 2007	007A	Zinc, Monthly Avg.	554 mg/L	115/62 mg/L
June 2007	007A	Zinc, Daily Max.	554 mg/L	231.99 mg/L
July 2007	006A	Zinc, Monthly Avg.	1060 mg/L	115.62 mg/L
July 2007	006A	Zinc, Daily Max.	1060 mg/L	231.99 mg/L
July 2007	007A	Zinc, Monthly Avg.	144 mg/L	115.62 mg/L
September 2007	006A	Zinc, Monthly Avg.	225 mg/L	115.62 mg/L
October 2007	006A	Zinc, Daily Max.	529 mg/L	231.99 mg/L
October 2007	006A	Zinc, Monthly Avg.	529 mg/L	115.62 mg/L
October 2007	007A	Zinc, Monthly Avg.	137 mg/L	115.62 mg/L
December 2007	006A	Zinc, Monthly Avg.	126 mg/L	115.62 mg/L
December 2007	007A	Zinc, Monthly Avg.	124 mg/L	115.62 mg/L
January 2008	007A	Zinc, Monthly Avg.	230 mg/L	115.62 mg/L
June 2008	007A	Zinc, Monthly Avg.	123 mg/L	115.62 mg/L
May 2009	002A	Ammonia Nitrogen, Monthly Avg.	18.6 mg/L	12 mg/L
May 2009	002A	Ammonia Nitrogen, Daily Max.	18.6 mg/L	18 mg/L
May 2009	SUMA	Ammonia Nitrogen, Monthly Avg.	288.68 lbs/day	265.7 lbs/day
May 2009	SUMA	Ammonia Nitrogen, Monthly Avg.	19.78 mg/L	12 mg/L

Date	Outfall	Parameter	Violation	Permit Limit
May 2009	SUMA	Ammonia Nitrogen, Daily Max.	19.78 mg/L	18 mg/L
May 2009	002A	Nitrogen, Monthly Avg.	34 mg/L	26.3 mg/L
May 2009	SUMA	Nitrogen, Monthly Avg.	600.73 mg/L	405.02 mg/L
May 2009	SUMA	Nitrogen, Daily Max.	41.16 mg/L	26.3 mg/L



Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

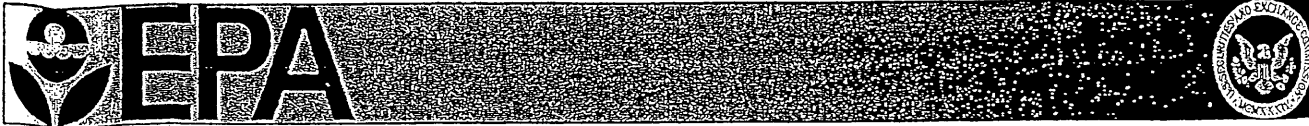
Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners



NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel in the SEC's Division of Corporation Finance. The phone number is (202) 942-2900.