



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

June 14, 2023

TRANSMITTED VIA EMAIL

Mr. Charles McDowell
Environmental Manager
El Dorado Chemical Company
4500 Northwest Ave.
El Dorado, Arkansas 71730
cmcdowell@lsbindustries.com

Re: **Notice of Potential Violation and Opportunity to Confer**
NPDES Permit: AR0000752

Dear Mr. McDowell:

Information currently available to the U.S. Environmental Protection Agency, Region 6 (EPA) suggests that the El Dorado Chemical Company may have committed violations of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311 and its applicable NPDES permit.

As an owner/operator of inorganic dye and pigment manufacturing industry, the El Dorado Chemical Company applied for and was issued an NPDES Permit, No. AR0000752 (permit), which allowed discharges of pollutants to waters of the United States from the facility, but only in compliance with the terms of the permit. The permit requires the El Dorado Chemical Company to sample and test its effluent discharges to monitor compliance with permit limits and conditions according to specific procedures, and to determine the facility's compliance with the permit and applicable regulations. The permit also requires the El Dorado Chemical Company to submit to Arkansas Department of Environmental Quality (ADEQ) on a monthly basis certified Discharge Monitoring Reports (DMRs) documenting monthly monitoring results, and submission of Noncompliance Reports when appropriate. According to the DMRs submitted by the El Dorado Chemical Company, the Whole Effluent Toxicity (WET) tests reported on the 2/28/2023 and 4/30/2023 DMR incurred an exceedance of Water Quality Standards (WQS) as a failure for one or both test species at outfall TX1B (See attachment). Retests were required but not present in the DMR as specified in the permit.

By this letter, EPA is extending to you an opportunity to advise EPA via a conference call or in writing of any further information which EPA should consider regarding the alleged CWA violations. The EPA is committed to ensuring compliance with the requirements of the CWA, the National Pollutant Discharge Elimination System (NPDES) program. This Notice of Potential Violation and Opportunity to Confer does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. Pursuant to the CWA, EPA can unilaterally seek compliance by imposing regulatory requirements and civil penalties to address violations through administrative actions. However, as a courtesy, EPA is providing you with the opportunity to confer regarding this matter and to provide any further information that we should consider. Within 7 days of the effective date of this letter, please confirm receipt of this e-mail and indicate, via email, if you would like to confer with EPA regarding this matter.

If you have any questions or need additional clarification, please contact Paul Juarez of my staff, at (214) 665-7247 or via email at juarez.paul@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Bryant Smalley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bryant Smalley
Chief
Water Enforcement Branch

Attachment

ec: Alan York, Associate Director Office of Water Quality
Arkansas Department on Environmental Quality (ADEQ)
alan.york@adeq.state.ar.us

Permit AR0000752

Permit Name	Version Nbr	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
EL DORADO CHEMICAL COMPANY	0	Major	8/30/2017	10/1/2017	9/30/2022

Outfall TX1B

51710 Whole Effluent Toxicity [WET] - C. dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	Limit Unit Desc	Percent	Percent
Statistical Base	DLYAVMIN	7 DA MIN	7 DA MIN
Limit Value	100.	100.	100.
DMR Values			
2/29/20	NODI=C	NODI=C	NODI=C
4/30/20	NODI=C	NODI=C	NODI=C
6/30/20	NODI=C	NODI=C	NODI=C
8/31/20	NODI=C	NODI=C	NODI=C
10/31/20	NODI=C	NODI=C	NODI=C
12/31/20	NODI=C	NODI=C	NODI=C
2/28/21	NODI=C	NODI=C	NODI=C
4/30/21	NODI=C	NODI=C	NODI=C
6/30/21	NODI=C	NODI=C	NODI=C
8/31/21	NODI=C	NODI=C	NODI=C
10/31/21	NODI=C	NODI=C	NODI=C
12/31/21	NODI=C	NODI=C	NODI=C
2/28/22	NODI=C	NODI=C	NODI=C
4/30/22	NODI=C	NODI=C	NODI=C
6/30/22	NODI=C	NODI=C	NODI=C
8/31/22	NODI=C	NODI=C	NODI=C
10/31/22	NODI=C	NODI=C	NODI=C
12/31/22	NODI=C	NODI=C	NODI=C
2/28/23	56	56	56
4/30/23	100	100	100

51710 Whole Effluent Toxicity [WET] - C. dubia / Location P / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2020	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	Limit Unit Desc	Percent	Percent
Statistical Base	DLYAVMIN	7 DA MIN	7 DA MIN
Limit Value	80.	80.	80.
DMR Values			
10/31/20	NODI=C	NODI=C	NODI=C
12/31/20	NODI=C	NODI=C	NODI=C
2/28/21	NODI=C	NODI=C	NODI=C
4/30/21	NODI=C	NODI=C	NODI=C
6/30/21	NODI=C	NODI=C	NODI=C
8/31/21	NODI=C	NODI=C	NODI=C
10/31/21	NODI=C	NODI=C	NODI=C
12/31/21	NODI=C	NODI=C	NODI=C
2/28/22	NODI=C	NODI=C	NODI=C
4/30/22	NODI=C	NODI=C	NODI=C
6/30/22	NODI=C	NODI=C	NODI=C
8/31/22	NODI=C	NODI=C	NODI=C
10/31/22	NODI=C	NODI=C	NODI=C
12/31/22	NODI=C	NODI=C	NODI=C
2/28/23	56	56	56
4/30/23	<32	<32	<32

51714 Whole Effluent Toxicity [WET] - P. promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	Limit Unit Desc	Percent	Percent
Statistical Base	DLYAVMIN	7 DA MIN	7 DA MIN
Limit Value	100.	100.	100.
DMR Values			
2/29/20	NODI=C	NODI=C	NODI=C
4/30/20	NODI=C	NODI=C	NODI=C
6/30/20	NODI=C	NODI=C	NODI=C
8/31/20	NODI=C	NODI=C	NODI=C
10/31/20	NODI=C	NODI=C	NODI=C
12/31/20	NODI=C	NODI=C	NODI=C
2/28/21	NODI=C	NODI=C	NODI=C
4/30/21	NODI=C	NODI=C	NODI=C
6/30/21	NODI=C	NODI=C	NODI=C
8/31/21	NODI=C	NODI=C	NODI=C
10/31/21	NODI=C	NODI=C	NODI=C
12/31/21	NODI=C	NODI=C	NODI=C
2/28/22	NODI=C	NODI=C	NODI=C
4/30/22	NODI=C	NODI=C	NODI=C
6/30/22	NODI=C	NODI=C	NODI=C
8/31/22	NODI=C	NODI=C	NODI=C
10/31/22	NODI=C	NODI=C	NODI=C
12/31/22	NODI=C	NODI=C	NODI=C
2/28/23	80	80	80
4/30/23	42	42	42

51714 Whole Effluent Toxicity [WET] - P. promelas / Location P / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2020	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	Limit Unit Desc	Percent	Percent
Statistical Base	DLYAVMIN	7 DA MIN	7 DA MIN
Limit Value	100.	100.	100.
DMR Values			

Limit Unit Desc	Percent	Percent
Statistical Base	DLYAVMIN	7 DA MIN
Limit Value	80.	80.
DMR Values		
10/31/20	NODI=C	NODI=C
12/31/20	NODI=C	NODI=C
2/28/21	NODI=C	NODI=C
4/30/21	NODI=C	NODI=C
6/30/21	NODI=C	NODI=C
8/31/21	NODI=C	NODI=C
10/31/21	NODI=C	NODI=C
12/31/21	NODI=C	NODI=C
2/28/22	NODI=C	NODI=C
4/30/22	NODI=C	NODI=C
6/30/22	NODI=C	NODI=C
8/31/22	NODI=C	NODI=C
10/31/22	NODI=C	NODI=C
12/31/22	NODI=C	NODI=C
2/28/23	<32	<32
4/30/23	<32	<32

TGP3B Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Pass=0, Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NODI=C
4/30/20	NODI=C
6/30/20	NODI=C
8/31/20	NODI=C
10/31/20	NODI=C
12/31/20	NODI=C
2/28/21	NODI=C
4/30/21	NODI=C
6/30/21	NODI=C
8/31/21	NODI=C
10/31/21	NODI=C
12/31/21	NODI=C
2/28/22	NODI=C
4/30/22	NODI=C
6/30/22	NODI=C
8/31/22	NODI=C
10/31/22	NODI=C
12/31/22	NODI=C
2/28/23	1
4/30/23	1

TGP6C Pass/Fail Statre 7Day Chronic Pimephales Promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Pass=0, Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NODI=C
4/30/20	NODI=C
6/30/20	NODI=C
8/31/20	NODI=C
10/31/20	NODI=C
12/31/20	NODI=C
2/28/21	NODI=C
4/30/21	NODI=C
6/30/21	NODI=C
8/31/21	NODI=C
10/31/21	NODI=C
12/31/21	NODI=C
2/28/22	NODI=C
4/30/22	NODI=C
6/30/22	NODI=C
8/31/22	NODI=C
10/31/22	NODI=C
12/31/22	NODI=C
2/28/23	1
4/30/23	1

TLP3B Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Pass=0, Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NODI=C
4/30/20	NODI=C
6/30/20	NODI=C
8/31/20	NODI=C
10/31/20	NODI=C
12/31/20	NODI=C
2/28/21	NODI=C
4/30/21	NODI=C
6/30/21	NODI=C
8/31/21	NODI=C
10/31/21	NODI=C
12/31/21	NODI=C
2/28/22	NODI=C
4/30/22	NODI=C
6/30/22	NODI=C

8/31/22	NODI=C
10/31/22	NODI=C
12/31/22	NODI=C
2/28/23	1
4/30/23	0

TLP6C Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NODI=C
4/30/20	NODI=C
6/30/20	NODI=C
8/31/20	NODI=C
10/31/20	NODI=C
12/31/20	NODI=C
2/28/21	NODI=C
4/30/21	NODI=C
6/30/21	NODI=C
8/31/21	NODI=C
10/31/21	NODI=C
12/31/21	NODI=C
2/28/22	NODI=C
4/30/22	NODI=C
6/30/22	NODI=C
8/31/22	NODI=C
10/31/22	NODI=C
12/31/22	NODI=C
2/28/23	1
4/30/23	1

TOP3B NOEC Lethal Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NODI=C
4/30/20	NODI=C
6/30/20	NODI=C
8/31/20	NODI=C
10/31/20	NODI=C
12/31/20	NODI=C
2/28/21	NODI=C
4/30/21	NODI=C
6/30/21	NODI=C
8/31/21	NODI=C
10/31/21	NODI=C
12/31/21	NODI=C
2/28/22	NODI=C
4/30/22	NODI=C
6/30/22	NODI=C
8/31/22	NODI=C
10/31/22	NODI=C
12/31/22	NODI=C
2/28/23	56
4/30/23	100

TOP6C NOEC Lethal Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NODI=C
4/30/20	NODI=C
6/30/20	NODI=C
8/31/20	NODI=C
10/31/20	NODI=C
12/31/20	NODI=C
2/28/21	NODI=C
4/30/21	NODI=C
6/30/21	NODI=C
8/31/21	NODI=C
10/31/21	NODI=C
12/31/21	NODI=C
2/28/22	NODI=C
4/30/22	NODI=C
6/30/22	NODI=C
8/31/22	NODI=C
10/31/22	NODI=C
12/31/22	NODI=C
2/28/23	80
4/30/23	42

TPP3B NOEC Sub-Lethal Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG

Limit Value	
DMR Values	
2/29/20	NOD=C
4/30/20	NOD=C
6/30/20	NOD=C
8/31/20	NOD=C
10/31/20	NOD=C
12/31/20	NOD=C
2/28/21	NOD=C
4/30/21	NOD=C
6/30/21	NOD=C
8/31/21	NOD=C
10/31/21	NOD=C
12/31/21	NOD=C
2/28/22	NOD=C
4/30/22	NOD=C
6/30/22	NOD=C
8/31/22	NOD=C
10/31/22	NOD=C
12/31/22	NOD=C
2/28/23	56
4/30/23	<32

TPP6C NOEC Sub-Lethal Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
10/1/2017	9/30/2022	24 Hour Composite	Once per 2 Months

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
2/29/20	NOD=C
4/30/20	NOD=C
6/30/20	NOD=C
8/31/20	NOD=C
10/31/20	NOD=C
12/31/20	NOD=C
2/28/21	NOD=C
4/30/21	NOD=C
6/30/21	NOD=C
8/31/21	NOD=C
10/31/21	NOD=C
12/31/21	NOD=C
2/28/22	NOD=C
4/30/22	NOD=C
6/30/22	NOD=C
8/31/22	NOD=C
10/31/22	NOD=C
12/31/22	NOD=C
2/28/23	<32
4/30/23	<32