

CHISENHALL, NESTRUD & JULIAN, P. A.

ATTORNEYS AT LAW
FIRST COMMERCIAL BANK BUILDING
400 WEST CAPITOL, SUITE 2840
LITTLE ROCK, ARKANSAS 72201
TELEPHONE (501) 372-5800
FAX (501) 372-4941

July 8, 1998

FAX (501) 682-0573

Mr. Nelson Jackson
ARKANSAS DEPARTMENT OF POLLUTION
CONTROL AND ECOLOGY
8001 National Drive
Little Rock, AR 72219

Re: **El Dorado Chemical Company**
Consent Administrative Order
NPDES Permit No. AR0000752
EPA ID NO. ARD001700657

Dear Nelson:

The following are EDCC's comments on the latest draft Consent Administrative Order (CAO) (June 6, 1998 version). These comments reflect the revised approach to the risk assessment we discussed. Conceptually EDCC will complete the waste minimization/wastewater treatment upgrade and undertake the groundwater monitoring program over the next five years. This will facilitate an evaluation of the anticipated reduction of nitrate concentration in the groundwater. At the conclusion of this five year period, EDCC will reevaluate the risk and propose a groundwater protection standard for nitrates, and such remedial measures (if any) as may be required to achieve compliance with that standard, pursuant to the agreed upon procedures (Reg. 22, Section 22. 1205(i)).

- 0 ✓ 1. Page 2, paragraph 1, line 3. After the word "herein", please add the following language: **"By entering into this Order, Respondent neither admits or denies the Findings of Fact or the existence of any alleged violation."**
- 0 ✓ 2. Page 4, paragraph 6, line 3. Please add the following language after 1,010 mg/l. **"There is no MCL for sulfate."** Line 5, should read **"Concentrations of chromium and dissolved lead were less than the MCL of .05 mg/l adopted in**

*- Growth Reg #22 -
#3100 MCLs*

Mr. Nelson Jackson
July 8, 1998
Page 2

Appendix III of Regulation 22 for hexavalent chromium and lead.” Delete remainder of sentence.

- 3. Page 4, paragraph 7, line 6. After sentence ending with “unloading areas,” please add **“Respondent completed this assessment.”**

Paragraph 7, Line 9. Add the following after “ADPC&E.” **“Respondent was required to develop a groundwater protection standard for any constituent found in excess of background. Nitrate was identified as the constituent for which a groundwater protection standard was required.”** Delete remainder of sentence.

NOT THE
MCL ESTABLISH
STANDARD

Paragraph 7, line 10. After word “Respondent” please add “also”.

- 4. Page 11, paragraph 23, line 4. After end of sentence, add new sentence as follows: **“Additional comments were provided by ADPC&E on June 5, 1998, and responses to these comments were submitted on July 8, 1998. The Revised Waste Minimization Plan is hereby approved by ADPC&E.”**

NOT REVISOR
1/11

- 5. Page 13, paragraph (c), line 3. Revise the paragraph to read as follows: **“The Respondent is authorized to modify Stormwater Outfalls 006 through 009 for the purpose of reducing the number of sampling locations. Stormwater runoff from areas which drain to new Stormwater Outfalls 007, 008, and 009 may be redirected to existing Stormwater Outfall 006. The runoff will be rerouted along the railroad tracks, prior to commingling with non-industrial runoff. With this modification, stormwater discharges from the northern portions of the facility will drain to Stormwater Outfall 006. All other industrial runoff will be monitored at Stormwater Outfall 005. After these modifications, sampling of Stormwater Outfall 006 will be re-initiated, and the facility SWPPP will be modified to reflect the changes to the facility.**

Page 13, paragraph (d), line 3. Change word “Waste” to **“Wastewater”**.

- 6. Page 15 & 16, paragraph 4. **Delete entire paragraph.**

THE
SELECTION OF REMEDY

Mr. Nelson Jackson
July 8, 1998
Page 3

- 7. Page 16, paragraph 5. Please revise the paragraph to read as follows:
“5. In order to effectively to evaluate the impact that the waste minimization program and improved wastewater treatment will have on nitrates in the groundwater, the Department will defer establishing a groundwater protection standard at this time. Within 90 days of the effective date of this Order, the Respondent shall commence the five year groundwater monitoring program identified in the Development of Risk Based Target Monitoring Levels Report.

MCL ALREADY
IN PLACE

ADPC&E reserves the right to extend the length of time designated for sampling monitoring wells, modify the constituents sampled for, modify the sampling frequency and/or change well sampling locations to address changes in circumstances and assist in the evaluation process. At the conclusion of the monitoring program, Respondent shall reevaluate the risk and propose a groundwater protection standard for nitrates pursuant to Regulation 22, Section 22.1205(i).”

ALREADY
INCLUDED

- 8. Page 17, paragraph 6. **Delete entire paragraph.**
- 9. Page 17, paragraph 7, line 1. Change the first sentence to read as follows: **“By this Order, ADPC&E hereby approves the Revised Waste Minimization Plan.”** Delete the 2nd and 3rd sentences. **Delete sentences through line 4 of paragraph 7 on page 18.** On page 18, continue on with **“The Respondent”** . . . through end of paragraph.

OK

not yet

- 10. Page 18, paragraph 8, line 1. Revise paragraph 8 to read as follows: **“In compromise and full settlement of the violations specified in the Findings of Fact, ADPC&E hereby approves a SEP in the amount of Forty-two Thousand Dollars (\$42,000) for an emergency notification system for the El Dorado 911 Center. This SEP has already been satisfied.”**

LEAVES
100% OF
CAO

The response to Tammie Hynum’s comments on the Development of Risk Based Target Monitoring Levels Report are attached. Since EDCC is only requesting approval of a five year monitoring program, reevaluation of the risk at that time, and submissions of a new report proposing to target monitoring level/groundwater protection standard it should be possible to close the old CAO, and pick up with this CAO.

Mr. Nelson Jackson
July 8, 1998
Page 4

The responses to ADPC&E's June 8, 1998 comments on the Emergency Response Plan are as follows:

- 1, 6. The requested changes have been added.
- 2, 3, and 5. These items were already in the Plan.
- 4, 7 and 8. Coordination meetings with fire, police and hospitals will be held on July 9, 1998 and appropriate arrangements will be included in the Plan.

The responses to ADPC&E's June 5, 1998 comments on the Waste Minimization Plan are attached.

Hopefully, with these referenced revisions to the CAO, and approval of the three documents, this matter can be finally resolved. I believe we can expeditiously resolve any concerns you may have about the CAO revisions requested in this letter. Please review this letter and attachments, and give me a call.

Very truly yours,

CHISENHALL, NESTRUD & JULIAN, P.A.


Charles R. Nestrud

CRN:st
nelson ltr4
enclosures

cc: Mr. John Carver
Mr. Byron Smith
Mr. Ray Quick