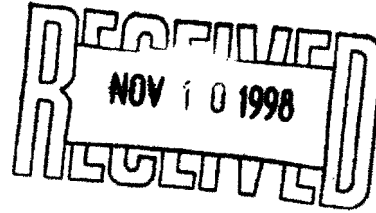




STATE OF ARKANSAS  
DEPARTMENT OF POLLUTION CONTROL & ECOLOGY  
HAZARDOUS WASTE DIVISION  
8001 NATIONAL DRIVE, P.O. BOX 8913  
LITTLE ROCK, ARKANSAS 72219-8913  
PHONE: (501) 682-0833 FAX: 682-0565



Certified Mail Z 231 876 028 Return Receipt Requested  
and  
FACSIMILE No. (501) 372-4941



November 5, 1998

Mr. Charles R. Nestrud  
Chisenhall, Nestrud & Julian, P.A.  
First Commercial Bank Building  
400 West Capitol  
Suite 2840  
Little Rock, Arkansas 72201

**Re: El Dorado Chemical Company  
Notice of Deficiency  
Consent Administrative Order LIS 98-119**

Dear Mr. Nestrud:

The Department has completed its review of the El Dorado Chemical, El Dorado, Arkansas (EDC) revised Emergency Response Plan dated July 9, 1998, and the revised EDC Waste Minimization Plan dated July 9, 1998. The following deficiencies were identified:

- a. As provided in the Consent Administrative Order (CAO) LIS 98-119, Order and Agreement, paragraph 5, EDC submitted to the Department a revised Emergency Response Plan on July 9, 1998. The revised Emergency Response Plan does not describe the arrangements made with the various local authorities as required under Arkansas Pollution Control and Ecology Commission Regulation No. 23, Section 265.52(c), as referenced by Section 262.34(a)(4). This comment was previously noted in Department memorandum dated June 8, 1998, Item No. 8, and incorporated into (CAO) LIS 98-119 as Attachment C. The Department requests that the necessary correction(s) to EDC's July 9, 1998, Emergency Response Plan, describing these arrangements, be completed and submitted to the Department;
- b. As provided in the CAO LIS 98-119, Order and Agreement, paragraph 6, EDC submitted to the Department a revised Waste Minimization Plan on July 9, 1998. The Department requests a further clarification of EDC's position as it applies to the reporting and management of *de minimus losses* at its El Dorado facility. [See Woodward-Clyde's July 9, 1998, response page 2 of 3 to the Department's June 5, 1998, memorandum.] This issue had been previously noted in the same Department memorandum, under Item No. 2, which was subsequently incorporated into (CAO) LIS 98-119 as Attachment D. How is EDC's comprehensive waste minimization efforts effected by such a practice? Specifically, the Department requests the EDC clarify its July 9, 1998, comments regarding the discontinued reporting of *de minimus losses* at the regional and state level;
- c. In a related matter to 'b' above, the Woodward-Clyde's July 9, 1998, response page 1 of 3 to the Department's June 5, 1998, memorandum regarding the EDC Waste Minimization Plan appears to discount, for the purposes of reporting, various nitric and sulfuric acid losses. As identified in the CAO LIS 98-119,

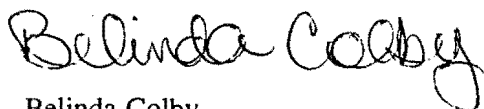
Findings of Fact paragraph 14, EDC has experienced significant hazardous substance losses due to sudden and non-sudden releases. Therefore, the accurate identification, management and accounting of such losses would be an important element in determining the effectiveness of any Waste Minimization Plan. The Department requests that the necessary correction(s) to EDC's July 9, 1998, Waste Minimization Plan, to account for these losses, be completed and submitted to the Department;

- d. As provided in the CAO LIS 98-119, Order and Agreement, paragraph 6, EDC shall include an implementation and milestone schedule for the performance of all waste minimization recommendations as provided for in the revised Waste Minimization Plan. Woodward-Clyde's July 9, 1998, response page 3 of 3 to the Department's June 5, 1998, memorandum failed to provide a means by which waste minimization performance could be measured. The Department requests that the necessary correction(s) to EDC's July 9, 1998, Waste Minimization Plan, providing a means by which waste minimization performance can be measured, be completed and submitted to the Department, and that an implementation and milestone schedule be incorporated into Table 4 of the EDC Waste Minimization Plan. Further, in compliance with the terms of the CAO LIS 98-119, Order and Agreement paragraph 6, the Department requests that any revised Waste Minimization Plan implementation and milestone schedule those activities conducted on-or-before January 1, 1998 through January 1, 2003;
- e. The Department requests a copy of the internal schedule for implementing engineering projects for the waste minimization program, as referenced in Woodward-Clyde's July 9, 1998, response page 3 of 3 to the Department's June 5, 1998, memorandum; and
- f. Finally, concerning the replacement of the existing vitrified clay Third Street sewer line, the Department requests that EDC provide the pH range within which the eighteen (18) inch HDPE replacement pipe is designed to operate, as currently installed. See Woodward-Clyde's July 9, 1998, response page 2 of 3 to the Department's June 5, 1998, memorandum.

Pursuant to the CAO LIS 98-119, Order and Agreement, paragraph 9, the Department requests that EDC submit the requested information and a written response, to the deficiencies listed above, within thirty (30) calendar days from receipt of this letter.

If you should have any questions, please contact Tammie Hynum at (501) 682-0856 or me at (501) 682-0849.

Sincerely,



Belinda Colby  
Management Project Analyst I  
Hazardous Waste Division

cc: Byron Smith, Environmental & Safety Mgr., El Dorado Chemical, P.O. Box 231, El Dorado, AR 71731  
Mike Bates, Chief, HWD, ADPC&E  
Gerald Delavan, Senior Geologist, Water Division, ADPC&E  
Art Riddle, NPDES Enforcement Supervisor, Water Division, ADPC&E  
Nelson Jackson, Attorney, Legal Division, ADPC&E  
Tammie Hynum, Mgr, Tech & Admin Support Br, HWD, ADPC&E  
Daniel Clanton, P.E., HWD, ADPC&E  
Penny Wilson, Inspector, HWD, ADPC&E  
ADPC&E, Central Files, CSN 70-0040.