Great Lakes Chemical Corp. – Central Plant (GLCC) requested a Temporary Variance on June 6, 2017, to relocate Outfall 003 to a new location where it will be referred to as Outfall 005. An application to modify the permit to allow for the change to occur was submitted on June 28, 2013.

This permit cannot be modified because it was administratively continued when it expired several years ago, and the permit renewal has been placed on hold due to minerals issues.

In accordance with A.C.A. § 8-4-230(b)(1), the factors that the Director is required to considered in deciding whether to grant an Temporary Variance are addressed by the permittee as follows:

a. The environmental and public health effects of the request.
   - This Temporary Variance should not have any negative effects on public health and the environment. Relocating Outfall 003 will allow GLCC to test its discharges without interference from other sources. In submissions to ADEQ, GLCC explained that interference from non-point sources contributes to violations of permit limits at Outfall 003. GLCC’s plan to relocate Outfall 003 would eliminate this interference. GLCC has also designed and implemented the system necessary to capture and transfer non-contact process wastewater and stormwater from rain events of 2 inches or less to its process water treatment plant (PWTP) or the east stormwater pond where it can be transferred to the PWTP or discharged through Outfall 010. GLCC reiterated its need for this change in its Corrective Action Plan (CAP) dated April 10, 2015, and ADEQ accepted that CAP.
b. Any economic advantage obtained by the requesting party over other similarly situated facilities that are operating in accordance with similar permit conditions and that have not requested a temporary variance.

- No economic advantage would be obtained from the requested variance as the location of the discharge has no positive economic impact on the facility. GLCC, at great expense, installed the infrastructure necessary to capture and transfer non-contact process wastewater and stormwater runoff from rain events of 2 inches or less to its PWTP or the east stormwater pond where it can be transferred to the PWTP or discharged through Outfall 010. This approach eliminates any flow to Outfall 003 except during a significant rain event. A permit modification had been submitted but could not be issued because the permit has expired and the renewal is on hold due to minerals issues.

c. Whether strict compliance would result in the substantial curtailment or closing down of an existing business seeking a temporary variance.

- Strict compliance with the permit requirements at Outfall 003 is not attainable under the current permit due to the daily discharge from outside sources through Outfall 003. The GLCC discharge contribution through the relocated outfall is minimal and will only occur during significant rain events. Details of these considerations have been reflected in the CAP prepared for the Department on April 10, 2015, and that CAP references multiple regulatory actions relevant to the explanation of recent compliance history at Outfall 003. Continued non-compliance at Outfall 003 has the potential to result in continued administrative and civil penalties against GLCC.

In accordance with A.C.A. § 8-4-230(b)(2), the factors that the Director may consider in deciding whether to grant an Temporary Variance are addressed by the permittee as follows:

a. Whether strict compliance with permit terms is inappropriate because of conditions beyond the control of the facility.

- GLCC has requested a permit modification to allow for the relocation of Outfall 003. The relocated outfall will be referred to as Outfall 005. This relocation will eliminate interference from non-point sources contributing to permit limit deviations as described in the June 28, 2013 permit modification and the April 10, 2015 CAP. The permit renewal is currently on hold due to mineral issues.

b. Whether the request is prompted by recurrent or avoidable compliance problems.

- As stated in the request for a Temporary Variance and previous correspondence and meetings with the Department, GLCC can avoid the deviation of permit limits at Outfall 003 if interference from non-point sources is eliminated by relocating Outfall 003. Due to circumstances beyond the control of GLCC, the permit is on hold and cannot be modified.

c. Whether a review of the operational history of the facility reveals relevant information.

- Historical data, described in the April 10, 2015, CAP and since that time, demonstrates that GLCC has had multiple limitation deviations from discharge through Outfall 003. These deviations have been linked to non-point source flows.
Since the permit is on hold through no fault of GLCC, the permittee is requesting a variance to allow for the relocation of Outfall 003.

d. Whether the public interest will be served by a temporary variance.
   • Public interest will be served by the continuing operation of this facility. Eliminating the contributions of non-point sources to the permit limit deviations will allow GLCC to provide assurance to the public through verification that GLCC is in compliance with its permit limitations and has lessened discharges to more impeded bodies of water.