Re: Request for Temporary Variance
NPDES Permit Number AR0001171; AFIN 70-00012

Dear Ms. Rogers:

Pursuant to Ark Code Ann. § 8-4-230(a)(1)(A), please accept this letter as granting the request dated June 6, 2017, for a temporary variance to relocate Outfall 003 as outlined in the request and the permit modification application submitted June 28, 2013. The relocated outfall will be referred to as Outfall 005. Great Lakes Chemical Corporation (GLCC) shall strictly adhere to all permit limits for Outfall 003 when discharging through Outfall 005. Please be aware that issuance of this temporary variance does not relieve your obligation to comply with the current NPDES permit or any enforcement action ordered by the Department.

As provided by Ark. Code Ann. § 8-4-230, this temporary variance is issued subject to the public’s right to object to this decision within ten (10) business days of the public notice of the decision. After consideration of the written objections, the Director may within thirty (30) calendar days of the date of the initial decision, for compelling reasons or good cause shown, revoke or modify the conditions of the temporary variance. The Director’s revocation or modification of her initial decision becomes a final decision for purposes of appeal. Upon issuance, notice of the final decision shall be sent to the applicant and those persons who submitted timely objections. If the Director’s initial decision is not revoked or modified within thirty (30) calendar days of the date of the decision, the decision is deemed final for purposes of appeal.

The Department has prepared the enclosed public notice and will arrange for the publication of this document. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and payment as soon as possible but no later than 30 days from the above date to the Arkansas Department of Environmental Quality, Attn: Permits Branch – Office of Water Quality; 5301 Northshore Drive; North Little Rock, AR 72118-5317.

Any actions taken by GLCC in reliance upon this temporary variance are strictly at the permittee’s own risk, and no actions or expenditures by GLCC during this period shall be construed as accruing equities in GLCC’s favor. Also, please note that the term of this temporary variance may not exceed ninety (90) days pursuant to Ark. Code Ann. § 8-4-230(a)(2). Therefore, if a permit is not issued within the 90 day time frame, the permittee must request in writing an extension of this temporary variance. Should GLCC allow this temporary variance to expire or fail to submit a request for an extension in a timely manner prior to permit issuance, the
facility could be subject to an enforcement action by the Department. In order to facilitate the review process, the facility should submit the request three (3) weeks prior to the expiration date, with proof that any delays resulted from circumstances beyond the facility control.

If you have any questions, please contact Loretta Reiber, P.E. at reiber@adeq.state.ar.us or at (501) 682-0612.

Sincerely,

Becky Keogh
Director

Enclosure
NOTICE OF TEMPORARY VARIANCE

Great Lakes Chemical Corporation
Permit Number AR0061171 – AFIN 70-00012

Notice is hereby given, pursuant to Ark Code Ann. Section 8-4-230(a)(1)(A), that the Director of the Arkansas Department of Environmental Quality (ADEQ), 5301 Northshore Drive, North Little Rock, AR 72118-5317, phone number (501) 682-0623, has granted a temporary variance to Great Lakes Chemical Corporation, 2226 Haynesville Highway, El Dorado, AR 71730. The facility is hereby authorized to relocate Outfall 003 as outlined in the permit modification application submitted June 28, 2013, prior to the final issuance of a renewal permit allowing for this activity.

This decision is subject to and contingent upon the right of the public to object to the Director’s decision. Any member of the public may object to the Director’s decision or request a public hearing within ten (10) business days of the date of this notice. Objections or requests for a public hearing will be accepted if submitted no later than 4:30 pm on the last day of the comment period. Written objections or a request for a public hearing should be sent to: Arkansas Department of Environmental Quality, ATTN: Legal Division, 5301 Northshore Drive, North Little Rock, AR 72118-5317 or by fax at 501-682-0891, or by e-mail at: mcallister@adeg.state.ar.us.

After consideration of any timely written objections, the Director may revoke or modify the conditions of this temporary variance within thirty (30) calendar days of the date of this decision for compelling reasons or good cause shown. The Director’s revocation or modification of her prior decision becomes a final decision for purposes of appeal. Upon issuance of the final decision, notice of the final decision will be sent to the applicant and those persons who submitted timely objections. If the Director’s initial decision is not revoked or modified within thirty (30) calendar days of the date of the decision, the decision is deemed final for purposes of appeal.

Documents concerning this matter are available for viewing/copying at ADEQ’s offices, 5301 Northshore Drive, North Little Rock, AR 72118 between the hours of 8:00 a.m. and 4:30 p.m.

Dated this 27th day of July, 2017

Becky Keogh, Director
ADEQ