

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**GREAT LAKES CHEMICAL CORPORATION – CENTRAL PLANT
2226 HAYNESVILLE HIGHWAY
EL DORADO, ARKANSAS 71731
EPA ID No. ARD043195429
PERMIT No. 18H-RN1
AFIN 70-00012**

**Docket NO. 12-005-NOV
LIS 12-027**

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order (hereinafter “Order”) is issued pursuant to the authority of the Arkansas Hazardous Waste Management Act (Ark. Code Ann. § 8-7-201 *et seq.*), the Arkansas Remedial Action Trust Fund Act (Ark. Code Ann. § 8-7-501 *et seq.*), and the Arkansas Pollution Control and Ecology Commission (hereinafter “APC&EC”) Regulation No. 23, APC&EC Regulation No. 8, and APC&EC Regulation No. 7. The issues herein, as they pertain to Great Lakes Chemical Corporation – Central Plant, El Dorado, Union County, Arkansas (hereinafter “Respondent” or “GLCC”) having been settled by the agreement of Respondent and the Arkansas Department of Environmental Quality - Hazardous Waste Division (hereinafter “ADEQ”), it is hereby agreed and stipulated by all parties that the Findings of Fact and Order and Agreement be entered herein.

FINDINGS OF FACT

1. Great Lakes Chemical Corporation – Central Plant located at 2226 Haynesville Highway, El Dorado, Arkansas owns and operates a manufacturing plant and manufactures elemental bromine, brominated organic, and brominated inorganic compounds in seven (7) process units by approximately thirty (30) different manufacturing processes. During

the production process certain halogenated compounds, and hazardous wastes are generated.

2. The GLCC chemical manufacturing facility operates under a Hazardous Waste Management, Resource Conservation Recovery Act (RCRA) Permit 18H-RN1, effective September 28, 2006, for post closure of a hazardous waste landfill and treatment of hazardous wastes in tanks. In addition, the Permit requires corrective actions for discovered historical releases at Solid Waste Management Units (SWMUs) under Module XII(b), Appendix F.
3. On September 28, 2006, ADEQ issued a Remedial Action Decision Document (RADD) as part of RCRA Permit 18H-RN1, Module XII(b), Appendix F to GLCC regarding clean-up of contaminated groundwater through a Shallow Groundwater Recovery System. The RADD allows the option for the recovered groundwater to be processed in the Bromine Tower (for production) or diverted to the Class 1 Injection Well, in lieu of treatment in the Groundwater Treatment Unit (GWTU).
4. In early December 2009, ADEQ sent an inquiry to GLCC regarding the use of Class V injection wells for discharge of the recovered shallow groundwater. On December 10, 2009, during a telephone conference with ADEQ, GLCC agreed to immediately cease discharging the recovered shallow groundwater into the Class V injection wells and shut down the Shallow Groundwater Recovery System.
5. On March 22, 2011, ADEQ conducted an inspection of the permitted units and a Closure Engineering Certification Inspection of the Groundwater Treatment Unit (GWTU) at the GLCC facility. During the March 22, 2011, Closure Engineering Certification Inspection, ADEQ observed the Soil Vapor Extraction (SVE) Unit and the Shallow Groundwater Recovery System were not in operation. Furthermore, GLCC stated that the

SVE Unit and the Shallow Groundwater Recovery System had not been operated at any time in 2010.

6. During the March 22, 2011 Closure Engineering Certification Inspection, GLCC stated the vent line from the SVE Unit pump to the Bromine Recovery Unit required repair and that GLCC would be repairing the SVE Unit during a scheduled plant shutdown in April 2011. Furthermore, GLCC stated the Shallow Groundwater Recovery System cannot be put back into operation until the following tasks have been completed:
 - a. All recovery well pumps are replaced.
 - b. All recovery well lines are pressured-tested (repairs made as necessary).
 - c. The GWTU is completely refitted with piping, valves, etc.
7. Following the Inspection at GLCC, ADEQ conducted another thorough review of GLCC's 2007, 2008, 2009 and 2010, Corrective Action Reports (CA Reports). The CA Reports informed ADEQ that the SVE Unit was last in operation in 2007. Furthermore, the CA Reports informed ADEQ that the Shallow Groundwater Recovery System was last in operation at the end of 2009 while GLCC took the units out of service to complete clean closure. Therefore, GLCC has not operated their SVE Unit for three (3) years and four (4) months and has not operated their Shallow Groundwater Recovery Wells for one (1) year and four (4) months.
8. Based on the findings of the Closure Engineering Certification Inspection on March 22, 2011, and information provided by GLCC, conditions were identified which ADEQ considers a violation of the GLCC Permit 18H-RN1 and Ark. Code Ann. 8-7-205(1). The violation, as provided below, was identified in a Site Visit Memorandum dated April 7, 2011 which was referred to the Enforcement & Inspection Branch on April 7, 2011. The Site Visit Memorandum dated April 7, 2011 is hereby incorporated by reference into this Order and is attached as Exhibit A:

- a. GLCC did not operate their Shallow Groundwater Recovery System from December 10, 2009 to April 30, 2011. In addition GLCC did not operate their SVE Unit in 2008, 2009, and 2010, or until April 30, 2011. This action of GLCC is a violation of Permit 18H-RN1, Module I.E.6 which states “The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit” as well as Module XII(b), Appendix F which states, GLCC must operate the Shallow Groundwater Recovery and SVE Unit. Consequently, this action of GLCC is also a violation of Ark. Code Ann. § 8-7-205(1).
9. Since receiving a proposed CAO in June 2011, GLCC has restored operations of the Shallow Groundwater Recovery System and the SVE Unit. Respondent agrees to the following Order in full settlement and compromise of the Permit noncompliance identified herein.

ORDER AND AGREEMENT

1. Henceforth, Respondent shall continuously maintain and operate the SVE Unit, the Shallow Groundwater Recovery System, and GWTU Systems according to Permit 18H-RN1 except that ADEQ and GLCC agree that, as set forth in the five (5) year Permit Review Modification dated December 14, 2011, “continuous operation” of the Groundwater Recovery System and the SVE Unit shall mean that operation of the systems are subject to operational down time due to routine and non-routine maintenance, power outages, equipment failure, and other conditions which may render the systems or parts of the systems, temporarily inoperable.

2. If, due to planned or unplanned conditions, the Groundwater Recovery System or the SVE Unit is expected to be inoperable for more than five (5) calendar days, GLCC shall notify ADEQ via an email report stating the cause of the down time and estimated time that the system will be down.
3. Within thirty (30) calendar days of effective date of this Order, Respondent shall submit to ADEQ, a Completion Report and certification that the SVE Unit, the Shallow Groundwater Recovery System, and GWTU are back in operational service and meet the conditions of the RADD in Permit 18H-RN1 modified as set forth in paragraph 1, above.
4. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00). Payment is due within thirty (30) calendar days of the effective date of this Order. Such payment shall be made payable to the ADEQ, Attention: Fiscal Division, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317. In the event that Respondent fails to pay the civil penalty within the prescribed time, ADEQ shall be entitled to attorneys' fees and costs of collection.
5. Respondent shall submit to ADEQ one (1) electronic and one (1) hard copy of all reports, documents, plans, certifications, or specifications required under the terms of this Order.
6. All submittals required by the Order, excluding the requirement for the payment submittal in paragraph 4 above, shall be electronically emailed to bernhardt@adeq.state.ar.us, or submitted by Certified Mail or hand delivered, to Karen Bernhardt, Enforcement and Inspection Branch, ADEQ, 5301 Northshore Drive, North Little Rock, Arkansas 72118-5317.
7. All submittals shall be subject to applicable review fees pursuant to APC&EC Regulation No. 23, § 6(t).

8. Respondent hereby designates a Project Manager who shall be responsible for overseeing the implementation of the requirements of this Order. The Project Manager shall communicate with ADEQ on all technical issues which arise under this Order and shall be empowered to agree on minor modifications in the implementation of any of the investigation or remediation tasks subject of this Order, when such modifications are deemed by ADEQ to further the purpose of this Order. Respondent may change their Project Manager by providing written notice of such change to the ADEQ. The initial Project Manager shall be:

Randall Whitmore
Great Lakes Chemical Corporation – Central Plant
2226 Haynesville Highway
El Dorado, Arkansas 71731
Ph No. (870) 862-1355

9. All requirements by the Order and Agreement are subject to approval by ADEQ. Unless otherwise specified herein, in the event of any deficiencies, Great Lakes Chemical Corporation – Central Plant shall, within the timeframe specified by ADEQ, submit any additional information or changes requested, or take additional actions specified by ADEQ to correct any such deficiencies. Failure to adequately respond to such Notice of Deficiency (NOD) within the timeframe specified in writing by ADEQ constitutes a failure to meet the requirements established by this Order.

10. If Respondent fails to submit to ADEQ any reports or plans, or meet any other requirement of this Order within the applicable deadline established in the Order, ADEQ may assess stipulated penalties for delay in the following amounts:

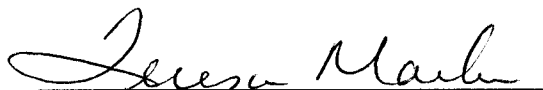
- a. First day through the fourteenth day: \$250 per day
- b. Fifteenth day through the thirtieth day: \$1250 per day
- c. Each day beyond the thirtieth day: \$2,500 per day

These stipulated penalties may be imposed for delay in scheduled performance and shall be in addition to any other remedies or sanctions which may be available to ADEQ by reason of Respondent's failure to comply with the requirements of this Order.

11. If any event occurs, including but not limited to Natural Disasters, which causes or may cause delay in the achievement of compliance by Respondent with the requirements of this Order, Respondent shall notify ADEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the deadline has passed. The written notice shall describe in detail the anticipated length of delay, the precise cause of delay, the measures taken and to be taken to minimize the delay, and the timetable by which those measures are implemented.
12. The ADEQ may grant a written extension of any provision of this Order, provided that Respondent requested such an extension in writing and provided that the delay or anticipated delay has been caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period but, in no event longer than the period of delay resulting from such circumstances. The burden of proving that any delay is caused by circumstances beyond the control of and without fault of Respondent and the length of delay attributable to such circumstances shall rest with Respondent.
13. Nothing contained in this Order shall be construed as a waiver of ADEQ's enforcement authority over violations not specifically addressed herein; nor does this Order exonerate past, present, or future conduct which is not expressly addressed herein. Nothing contained herein shall relieve Respondent of any other obligations imposed by any local, state, or federal laws, nor shall this Order be deemed in any way to relieve Respondent of its responsibilities for obtaining or complying with any necessary permits or licenses.

14. This Order is subject to public review and comments in accordance with Ark. Code Ann. § 8-4-103(d) and is therefore not effective until thirty (30) calendar days after public notice of the Order is given. ADEQ retains the right and discretion to rescind this Order within thirty (30) calendar days after the close of the public comment period based on comments received within the thirty-day public comment period. Additionally, this Order is subject to being reopened upon Arkansas Pollution Control & Ecology Commission initiative or in the event a petition to set aside this Order is granted by the Commission.
15. By virtue of the signature appearing below, the individual represents that he or she is an Officer of Respondent, being duly authorized to execute and bind Respondent to the terms contained herein as attested by the secretary of said entity. Execution of this CAO by an individual other than an Officer of Respondent shall be accompanied by a resolution granting signature authority to said individual as duly ratified by the governing body of the entity.

SO ORDERED THIS 22nd DAY OF May, 2012.



TERESA MARKS
DIRECTOR

APPROVED AS TO FORM AND CONTENT:

GREAT LAKES CHEMICAL CORPORATION – CENTRAL PLANT

BY: Signature S.P. O'Connor
Print or Type Name S.P. O'CONNOR
Title SM
Date May 18 2012