

Challenge to NPDES Permit Conditions: Union County, Arkansas Chemical Manufacturing Facility Request for Adjudicatory Hearing Commission Review



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El Dorado Chemical Company (“EDCC”) filed a September 27th Request for Adjudicatory Hearing before the Arkansas Pollution Control and Ecology Commission.

The request addresses a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit issued to the facility on August 30th.

The request provides that EDCC owns and operates a chemical manufacturing facility (“facility”) in El Dorado, Arkansas. The facility is stated to manufacture sulfuric acid, nitric acid, ammonium nitrate fertilizers, anhydrous ammonia, and industrial grade ammonium nitrate products.

The facility is stated to operate a wastewater treatment system pursuant to an Arkansas State NPDES permit. A draft renewal of the existing NPDES permit was stated to have been issued by the Arkansas Department of Environmental Quality (“ADEQ”) on February 8th. A final version of the renewed NPDES permit is stated to have been issued on August 30th.

The issuance of the renewed permit is stated to constitute a final permitting action of the ADEQ Director. The company is appealing certain conditions and limitations contained in the permit.

The request identifies 10 issues in its challenge to certain conditions and limitations in the NPDES permit. They include:

1. The final dissolved mineral concentration limits are not appropriate
2. The numerical water quality based permit limits for Outfalls 001, 002, 003, 006, 007, as well as for the sum Outfalls 102ST, 103ST, and 104ST that are based on protection of aquatic life uses should not be applied during the critical period
3. The final ammonia limits for Outfalls 001, 002, 003, 006, 007, 102ST and 103ST are not appropriate
4. Chronic based aquatic life water quality criteria are not appropriate for Outfall 104ST and chronic wet testing is not appropriate for Outfalls 002, 006, and 007
5. The metals limits for the storm water Outfalls are not appropriate
6. The use of chronic aquatic life criteria at Outfall 002 is not appropriate

7. The permit should include a compliance schedule for the new dissolved oxygen effluent limit at Outfall 003
8. Zinc reporting requirement for Outfall 003 should be eliminated
9. The Outfall 010 monitoring frequency for TSS, CBOD, and TP should be reduced to three per week
10. The flow monitoring requirement for the storm water outfalls should be changed from “instantaneous” to “totalizer”

[A copy of the request \(excluding the attached exhibits\) can be downloaded here.](#)