UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

February 14, 2013

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7010 2780 0002 4356 4597

Ms. Holly Dempsey
Parker Solvents Company, Inc.
3619 Wheeler Avenue
Fort Smith, AR 72901

Re: Parker Solvents Company, Inc.
Docket Number RCRA-06-2013-0904

Dear Ms. Dempsey:

On August 7, 1991 the Arkansas Department of Pollution Control and Ecology now known as the Arkansas Department of Environmental Quality (ADEQ), conducted a Compliance Evaluation Inspection (CEI) at Parker Solvents Company, Inc. (Parker), located at 8909 Mabelvale Pike, Little Rock, AR. Subsequently, ADEQ issued Orders to address violations found during the CEI and potential releases of hazardous waste at Parker. A file review by the U.S. Environmental Protection Agency (EPA) has concluded that Parker has not adequately defined the nature and extent of contamination on or off-site. To address human health and environmental concerns, EPA hereby issues the enclosed Unilateral Administrative Order (Order) pursuant to Section 3013(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6934.

Please note the references to the Administrative Record throughout the Order. At any time, Parker may submit additional documents or other materials to be included in the Administrative Record.

You may meet or confer with EPA regarding this Order by contacting Bill Mansfield to make all necessary arrangements; however, scheduling a conference does not relieve you of the obligation to complete the tasks within the timeframes specified by the Order.

Within five days of receipt of this Order, Parker shall notify EPA in writing of its intention to comply. If such notice is not received, EPA will presume that Parker does not intend to comply. Confirmation should be directed to H. Troy Stuckey, Ph.D. (6EN-HC), at the above address or at stuckey.troy@epa.gov.

If you have technical questions regarding the Order, you may contact Bill Mansfield at (214) 665-8321, or mansfield.william@epa.gov. If you have legal questions regarding the Order, you may contact Tom Rucki at (214) 665-2759, or rucki.thomas@epa.gov.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	§	ADMINISTRATIVE ORDER
	§	
PARKER SOLVENTS COMPANY, INC.	§	
8909 MABELVALE PIKE	§	DOCKET NO. RCRA 06-2013-0904
LITTLE ROCK, ARKANSAS 72209	§	
	§	
RESPONDENT	§	Proceedings under Section 3013(a) of
	§	the Resource Conservation and
EPA ID No.: ARD035565068	§	Recovery Act, as amended, 42 U.S.C.
	§	6934
	§	

RCRA SECTION 3013(a) ADMINISTRATIVE ORDER

I. JURISDICTION

1. This Administrative Order ("Order") is issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency ("EPA") by Section 3013(a) of the Solid Waste Disposal Act of 1976, commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), and further amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. § 6934(a). The authority to issue this Order has been delegated to the Regional Administrator, EPA Region 6 by EPA Delegation No. 8-20 and further delegated to the Director of the Compliance Assurance and Enforcement Division, EPA Region 6 ("Director") by Delegation R6-8-20. EPA has notified the Arkansas Department of Environmental Quality ("ADEQ") that this order is being issued and is providing a copy to the ADEQ.

2. The State of Arkansas' RCRA program was authorized under Section 3006(b) of RCRA, 42 U.S.C. § 6926(b). Although EPA has granted the State authority to enforce its own hazardous waste program, EPA retains its authority under RCRA, including its authority to issue orders under Section 3013(a) of RCRA, 42 U.S.C. § 6934(a).

3. The Order is based upon the administrative record ("AR") compiled by EPA and incorporated herein by reference. The AR is available for review by Respondent and the public at EPA's Region 6 Office at 1445 Ross Avenue, Dallas, TX 75202.

II. PARTIES BOUND

4. This Order is issued to Parker Solvents Company, Inc. ("Respondent"), the owner and operator of the Parker Solvents Company facility located at 8909 Mabelvale Pike, Little Rock, Arkansas 72209 (the "Facility").

5. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, contractors, successors, and assigns.

6. No change of ownership, corporate, or partnership status relating to the Facility described in this Order will in any way alter the status or responsibility of Respondent under this Order. Any conveyance by Respondent of title, easement, or other interest in the Facility described herein, or a portion of such interest, shall not affect Respondent's obligations under this Order. Respondent shall be responsible and liable for any failure to carry out all activities required of Respondent by the express terms and conditions of this Order, irrespective of its use of employees, agents, contractors, or consultants to perform any such tasks.

7. Respondent shall provide a copy of this Order to all supervisory personnel and prime consultants ("Contractors") retained to conduct or monitor any portion of the work performed pursuant to this Order within seven (7) working days of the effective date of this Order, or on the date of such retention of services, and shall condition all such contracts on compliance with the terms of this Order.

8. Any documents transferring ownership and/or operation of the Facility described herein from Respondent to a successor-in-interest shall include written notice of this Order. In addition, Respondent shall, no less than thirty (30) days prior to transfer of ownership or operation of the Facility, provide written notice of this Order to its successor-in-interest and written notice of said transfer of ownership and/or operation to EPA.

9. Respondent shall undertake all actions required by the terms and conditions of this Order, including any portions of this Order incorporated by reference.

III. STATEMENT OF PURPOSE

10. This Order is issued to Respondent to address EPA's determinations that the presence and/or release of hazardous wastes at Respondent's Facility may present a substantial hazard to human health and/or the environment. The Order requires Respondent to conduct monitoring, testing, analysis and reporting to ascertain the nature and extent of the hazard. Respondent shall prepare and submit a workplan to EPA for approval as described more fully below. After EPA approval of the workplan, Respondent must then implement the workplan, including any modifications made by EPA.

IV. FINDINGS OF FACT

11. The Facility is approximately 1.2 acres in size and is located at 8909 Mabelvale Pike, Little Rock, Arkansas 72209.

12. The Facility is a solvent blending, temporary bulk storage, sales and distribution company that has been in continuous operation since 1957. [AR1]

13. On August 7, 1991, the Arkansas Department of Pollution Control and Ecology ("ADPC&E"), now known as the Arkansas Department of Environmental Quality ("ADEQ"), conducted Compliance Evaluation Inspection ("CEI") at the Facility and found RCRA violations. [AR4]

14. On March 25, 1992, the Respondent entered into a Consent Administrative Order ("CAO") LIS 92-047 to address the identified violations. [AR4]

15. As required under CAO LIS 92-047 the Facility submitted to the ADEQ a site investigation report dated August 1993 and a Remedial Investigation Report date November 1995 ("RFI Reports"). [AR4]

16. The RFI Reports verified both on site and off site releases of hazardous substances from the Facility. [AR4]

17. Hazardous substances released at the Facility fall under the definition of hazardous waste per 40 CFR 261.3 and are therefore hazardous wastes.

18. Hazardous wastes released at the Facility fall under the definition of volatile organic compounds ("VOC") per 40 CFR 51.100(s)

19. Movement of VOCs in the ground water is primarily to the northeast. [AR2]

20. Based on the hydropunch investigation, MW 17.2 was installed to further characterize the extent of contamination to the northeast. [AR2]

21. The 1995 Parker Solvents Remedial Facility Investigation (RFI) Report [AR2] shows that offsite and most down gradient to the northeast "ground water" monitoring well MW 17.2 was installed above the water bearing zone and was found to be dry during sampling.

22. A pump test indicated that the shallower and deeper aquifers are hydraulically connected. [AR3]

23. Offsite monitoring well MW 15.2 showed above Maximum Concentration Level (MCL) concentrations of Toluene at 11,000 ppb (MCL 1,000 ppb), and total Xylenes at 26,000 ppb (MCL 10,000 ppb) [AR1].

24. Offsite monitoring well MW 15.1 showed above MCL concentrations of cis-1, 2-dichloroethene at 370 ppb (MCL 70 ppb), Ethylbenzene at 4,000 ppb (MCL 700 ppb), Methylene Chloride at 6,600 ppb (MCL 5 ppb), Toluene at 24,000 ppb (MCL 1,000), Vinyl Chloride at 16,000 ppb (MCL 2 ppb), and total Xylenes at 19,000 ppb (MCL 10,000 ppb). [AR1]

25. Offsite and most down gradient to the east monitoring well MW 26.1 showed above MCL concentrations of Vinyl Chloride at 11 ppb (MCL 2ppb) and Trichloroethylene at 8.1 ppb (MCL 5 ppb). [AR1]

26. Offsite and most down gradient to the northeast (during the 2009 Ground Water Monitoring event) monitoring well MW 28.1 showed above MCL concentrations for Vinyl Chloride at 170 ppb (MCL 2 ppb), cis-1, 2-dichloroethene at 190 ppb (MCL 70 ppb) and Benzene at 7 ppb (MCL 5 ppb). [AR1]

27. Offsite monitoring well MW 29.1 showed above MCL concentrations for Vinyl Chloride at 6800 ppb (MCL 2 ppb), Trichloroethene at 1300 ppb (MCL 5 ppb), Tetrachloroethene at 870 ppb (MCL 5 ppb), and cis-1, 2-dichloroethene at 14,000 ppb (MCL 70 ppb). [AR1]

28. Detectable levels of chemicals of potential concern (COPC), all VOCs, were found in monitoring wells MW 6, MW 7, and MW 20.1. [AR1]

29. Monitoring wells MW 6, MW 7, and MW 20.1 are located upgradient of contaminated areas.

30. A partial list of COPCs present at the Facility in soil and/or ground water includes: benzene, cis-1,2-dichloroethene, trichloroethene, vinyl chloride, acetone, chloroethane, ethylbenzene, toluene, and xylene. [AR1 and AR2]

31. Under certain conditions of dose, duration, or extent of exposure, the COPCs identified in paragraph 30, which are present at the Facility and/or have been released to the environment at the Facility, may constitute a threat to human health by ingestion and/or absorption. A summary of the COPCs is provided in Attachment 1 to this Order.

V. DETERMINATIONS AND CONCLUSIONS OF LAW

Based on the Findings of Fact set out above and on the administrative record, and pursuant to Section 3013(a) of RCRA, 42 USC §6934(a), the Director has determined that:

32. The Facility is a "facility or site" within the meaning of Section 3013(a) of RCRA, 42 U.S.C. § 6934(a), and as defined in 40 C.F.R. § 260.10.

33. Respondent is a "person" as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and in 40 C.F.R. § 260.10.

34. Respondent is an "owner" and "operator" of the Facility within the meaning of Section 3013(a) of RCRA, 42 U.S.C. § 6934(a), and as defined in 40 C.F.R. § 260.10.

35. Section 1004(27) of RCRA, 42, U.S.C. § 6903(27), defines the term "solid waste" to mean "any garbage, refuse … and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations …".

36. Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), defines the term "hazardous waste" to mean a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

a. cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or

b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

37. Hazardous materials are present at the Facility.

38. Hazardous materials have been released to the environment at the Facility.

39. Hazardous materials spilled or released to the environment are therefore discarded and subject to the definitions of solid/hazardous waste.

40. Hazardous wastes present and/or released to the environment at the Facility may present a substantial hazard to human health and/or the environment.

41. Respondent, as owner and operator of the Facility, is the party responsible for conducting the actions ordered herein. These actions are reasonable and necessary to ascertain the nature and extent of any potential hazard to human health or the environment.

VI. ORDER

42. Based on the Findings of Fact and the Determinations and Conclusions of Law, Respondent is hereby ordered, pursuant to Section 3013(a) of RCRA, 42 U.S.C. § 6934(a), to submit to EPA with a copy to ADEQ within thirty (30) days of the receipt of this Order a sampling and analysis workplan ("Workplan") for monitoring, testing, analysis, and reporting to ascertain the nature and extent of the hazard(s) posed by the hazardous wastes present at or released from the Facility. Respondent is hereby ordered to implement the Workplan once approved, or modified and approved, by EPA. Since Respondent may have completed some of these tasks before this Order was issued, EPA and Respondent may negotiate a modified schedule for specific Workplan submissions.

43. The Workplan shall, at a minimum, contain the following components:

a. A preliminary facility-specific Conceptual Site Model (CSM) [see Corrective Action Strategy "CAS" Appendix A; http://www.epa.gov/earth1r6/6pd/rcra_c/pd-o/capp-a.pdf], and identification of data gaps in the CSM. The CSM report will include:
   i. identification and description of all potential or suspected sources of contamination;
   ii. identification of the types and concentrations of contamination detected at the site;
   iii. identification of likely locations of the contamination;
   iv. identification and description of all potentially affected media;
   v. estimation of the volume of contaminated media with a description of how certain that estimation is;
   vi. description of the variability of concentrations and of any spatial patterning may be present;
   vii. description of possible fate and migration of contaminants;
   viii. identification of potential exposure pathways and receptors;
   ix. identification of possible risk management strategies to mitigate exposure;
   x. identification of data gaps; and
   xi. identification of activities needed to reach site closure.

   The CSM must be updated with the most recent data as it is obtained.

b. A plan and timetable for current monitoring well and piezometer assessment, repair or replacement of surface completions, replacement of lost or broken locks, and resurvey of top of casing elevations. The survey of casing elevations must

have the precision of 0.01 feet vertical and less than one foot horizontal relative to a common datum or benchmark within 1,000 feet. Data will be submitted in an appropriate table, or included in the appropriate tables, maps, and cross-sections in any subsequent site report. If a well or piezometer cannot be repaired, it must be plugged and abandoned in accordance ASTM D5299 - 99(2005).

c. A plan and timetable for well development. Any wells or piezometers that were found unlocked or unsecured shall be developed in accordance with an appropriate ASTM standard (e.g. ASTM D 5092 and ASTM D 5521). Well development procedures shall be continued until recharge to the monitor well is representative of the formation in which it is screened; pH, temperature and specific conductivity readings have stabilized; and water is visually clear of suspended solids.

d. A plan and timetable for sampling and analysis of soil to characterize the nature and extent of horizontal and vertical contamination, and to identify source areas and potential source areas. The plan shall include the locations and depth(s) of the soil samples, collection and analytical methods, and the parameters for analysis. At a minimum, the parameters should be inclusive of the historical COC list prepared by the Respondent and approved by EPA.

e. A plan and timetable for characterizing the groundwater flow direction(s) and groundwater quality. The plan shall focus on the collection of groundwater samples within, up gradient of, cross gradient of, and down gradient of source areas/potential source areas. The plan shall include the location and depth(s) of monitoring wells, well construction methods, well sampling methods, analytical methods, and the parameters for analysis.

f. A plan and timetable for field survey for identification of all environmental and ecological receptors and associated exposure pathways within 500 feet outside of the known contamination/Protective Concentration Limit Exceedance (PCLE) zone boundary. At a minimum, the field survey includes the requirements as specified:

    i. evaluation of the most recent water well inventory records to identify registered water wells whose locations are to be verified during the field survey, and the review of other relevant historical receptor data;

    ii. a walking door-to-door survey to locate registered and unregistered water wells and the associated interviews with the well owners and/ or users to determine the current well status and use;

    iii. the identification and location of other human receptors such as schools, hospitals, residences, basements, day care centers, nursing homes, businesses, and churches;

iv. the identification of ecological receptors such as surface water bodies, parks, recreational areas, wildlife sanctuaries, wetlands, and agricultural areas;

v. the identification of migration pathways by determining the depth of all subsurface utilities and structures that could serve as preferential migration routes for contaminants;

vi. the determination of the water supply source for the site (including an indication of the origin(s) of a municipal source);

vii. the determination of whether there are any ordinances which would prevent or influence the future installation of water wells at the site or in the surrounding area, and submittal of a copy of the water well ordinance, if one exists;

viii. the preparation of a list which includes the current well owner's name, address and phone number and the type of use and status for those water wells identified in the field survey; these wells are to be depicted on a vicinity map in the report; and

ix. the preparation of a brief narrative describing the methodology used to conduct the field survey and the results of the survey. This will include a statement documenting that a walking water well search was conducted within five hundred (500) feet outside of the known contamination/PCLE zone boundary. This narrative will also discuss any threatened or impacted receptors and the recommendations for further corrective action to alleviate the actual or potential exposure.

g. Respondent shall propose Preliminary Remediation Goals for the Facility, to be approved by EPA.

h. A provision for access for employees, agents, and contractors of EPA at all reasonable times for purposes of inspection and verifying compliance with the provisions of this Order, in accordance with and pursuant to the authority of Section 3007 of RCRA § 6927.

i. A timetable for the work to be performed, including submittal of quarterly progress reports and a final report.

j. A cost estimate for the work to be performed.

44. The Workplan shall be designed to define the nature, location, extent, direction and rate of movement of any hazardous wastes and hazardous constituents which are present at or have been released from the Facility. The Workplan shall document the procedures Respondent shall use to conduct the investigations necessary to fill in gaps in the CSM, including:

a. Characterize the potential pathways of migration of hazardous waste and hazardous constituents;

b. Characterize the sources of hazardous waste and hazardous constituent contamination;

c. Define the degree and extent of hazardous waste and hazardous constituent contamination;

d. Identify actual or potential receptors; and

e. Identify potential remediation options.

45. The Workplan shall incorporate all of the requirements listed under Section X (Quality Assurance/Quality Control).

46. In accordance with the timetable in the Workplan, or within forty-five (45) days of completion of any additional work required pursuant to Section VII ("Additional Work"), Respondent shall submit a final report to EPA with a copy to ADEQ addressing the Workplan requirements and goals outlined in Paragraphs 36-39, above. The final report also shall include:

a. A summary of all actions taken to comply with this Order;

b. An evaluation/comparison of data collected to appropriate EPA Region VI Screening Levels, which can be found at: http://www.epa.gov/reg3hwmd/risk/human/rb-concentration_table/Generic_Tables/index.htm; and

c. Recommendations for further actions, including potential remediation options.

47. EPA acknowledges that Respondent may have completed some of the tasks required by this Order and/or that Respondent may already have available some of the information and data required by this Order. Respondent may reference previous submittals containing such information and previous work for consideration and approval by EPA as a part of Respondent's work to meet the requirements of this Order.

VII. ADDITIONAL WORK

48. Based on the work performed and information submitted under the Workplan described above, EPA may determine that additional monitoring, testing, analysis, and/or reporting is necessary to ascertain the nature and extent of any hazard to human health and the environment which may be presented by the presence or release of hazardous wastes and/or hazardous waste constituents at or from the Facility. If EPA determines that such additional work is necessary, EPA will notify Respondent in writing and specify the basis for its determination that additional work is necessary. Within fifteen (15) days after the receipt of such determination, Respondent shall have the opportunity to meet or confer with EPA to discuss the additional work. If required by EPA, Respondent shall submit for EPA approval with a copy to ADEQ, a Workplan for the additional work. EPA will specify the contents of such Workplan. Such Workplan shall be

submitted by Respondent within forty-five (45) days of receipt of EPA's determination that additional work is necessary, or according to an alternative schedule established by EPA.

VIII. MINIMUM QUALIFICATIONS FOR PERSONNEL

49. All work performed by Respondent pursuant to this Order shall be under the direction and supervision of an individual who has demonstrated expertise in hazardous waste site investigation. Before any work required under this order is performed, Respondent shall submit to EPA, in writing, the name, title, and qualifications of the supervisory personnel and of any contractors or subcontractors to be used in carrying out the terms of this Order. Additionally, Respondent shall ensure that when a license is required, licensed individuals shall be used to perform any work required by this Order. An exception to this requirement is to waive the need to provide the above information on short-term trade/suppliers that may be onsite to repair equipment, deliver supplies, connect electrical equipment, etc.

IX. SUBMISSIONS/EPA REVIEW

50. EPA will review and may confer with ADEQ regarding Respondent's Workplan and proposals, final reports or other documents submitted pursuant to this Order ("Submissions"). EPA will provide written approval, disapproval and/or comments on Respondent's workplans, proposals or final reports submitted pursuant to this order and other Submissions which EPA determines require such approval, disapproval and/or comments.

51. Within thirty (30) days of the receipt date of EPA's comments on a Submission, Respondent shall provide to EPA for approval with a copy to ADEQ a revised Submission that responds to any comments made by EPA and/or corrects any deficiencies identified by EPA. Respondent may request additional time to provide a revised Submission.

52. Within thirty (30) days after EPA's written approval of a Submission or portion thereof, Respondent shall implement such approved Submission or portion, unless an alternative schedule is established by EPA.

53. Respondent shall provide EPA with semi-annual progress reports with copies to ADEQ, if the site work extends beyond a six-month period demonstrating that the activities associated with this Order are being carried out. The first such report shall be submitted within six months after the effective date of this Order. These progress reports will summarize all activities to date. This requirement shall continue throughout the period this Order is effective. These semi-annual progress reports shall be due on the fifteenth (15^{th}) day of the month following the end of the six-month period.

54. Any Submission required under this Order is, upon written approval by EPA, incorporated in this Order; non-compliance by Respondent with the requirements of any such approved Submission shall constitute non-compliance with this Order.

55. The Workplan required under this Order and, unless otherwise specified, all reports, correspondence, approvals, disapprovals, notices, or other Submissions required under this Order, shall be submitted as follows:

Two (2) copies (one (1) hard copy, and one (1) electronic copy) of all documents to be submitted to EPA, unless otherwise provided in the Workplan or agreed to by EPA, shall be sent to:

Bill Mansfield
U.S. Environmental Protection Agency, Region 6
Compliance Assurance and Enforcement Division (6EN)
Federal Facilities Section
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
Phone: (214) 665-8321
Fax: (214) 665-6762
Email: mansfield.william@epa.gov

Carbon Copies shall be provided to :
Tammie J. Hynum, Hazardous Waste Chief
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118

Documents to be sent to Respondent shall be sent to:

Ms. Holly Dempsey
Parker Solvents Company, Inc.
3619 Wheeler Avenue
Fort Smith, AR 72901

56. In all instances in which this Order requires a written Submission to EPA, each Submission must be accompanied by the following certification signed by a "Responsible Corporate Officer" or by a "Duly Authorized Representative":

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision. I certify that the information contained in or accompanying this submittal is true, accurate, and complete to the best of my knowledge and that this document and all attachments were prepared in compliance with the Unilateral Administrative Order issued in August 2012 to Parker Solvents Company, Inc. under Section 3013 of RCRA, 42 U.S.C. § 6934, in EPA docket number RCRA-06-2012-0943. As to those identified portions of the document or attachments for which I cannot personally verify the truth and accuracy, I certify as the facility official having

supervisory responsibility for the person who, acting upon my direct instructions, made the verification, that this information is true, accurate and complete to the best of my knowledge. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: _____

Name: _____

Title: _____

Date: _____

As used in this Order, a "Responsible Corporate Officer" is a president, vice president, secretary or treasurer of Respondent in charge of a principal business function, or any other person who performs similar decision-making functions and responsibilities for Respondent. A person is a "Duly Authorized Representative" only if: (a) the authorization is made in writing; (b) the authorization specifies either an individual or a position having responsibility for overall operation of the Facility or the activity; and (c) the written authorization is submitted to the Project Coordinator designated by EPA pursuant to Section XI (Project Coordinator) of this Order.

X. QUALITY ASSURANCE/QUALITY CONTROL

57. All sampling undertaken pursuant to this Order shall be performed in accordance with the EPA-approved terms and schedules.

58. Respondent shall follow EPA's Review and Reporting of COC Concentration Data for all sampling and analysis conducted under this Order. Workplans shall contain quality assurance/quality control ("QA/QC") and chain of custody procedures for all sampling, monitoring, and analytical activities. Any deviations from the QA/QC and chain of custody procedures in the approved workplans must be approved by EPA prior to implementation, must be documented, including reasons for the deviations, and must be reported in the applicable report.

59. The name(s), addresses, and telephone numbers of the analytical laboratories Respondent proposes to use must be specified in the applicable workplan(s).

60. All workplans required under this Order shall include data quality objectives for each data collection activity to ensure that data of known and appropriate quality are obtained and that data are sufficient to support their intended use(s).

61. Respondent shall monitor to ensure that high quality data is obtained by its consultant or contract laboratories. Respondent shall ensure that laboratories used by Respondent for analysis perform such analysis according to the latest approved edition of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846 Third Edition as amended by Update Four, January 2008), or other methods deemed satisfactory to EPA and Semi-Volatile Organic Compound Analysis of 1,4-dioxane by USEPA Region 9 Laboratory Standard Operating Procedure 315. If methods other than EPA methods are to be used, Respondent shall specify and submit all such protocols for EPA approval in the Workplan. EPA may reject any data that does not meet the requirements of the approved Workplan or EPA analytical methods and may require resampling and additional analysis.

62. Respondent shall ensure that the laboratories it uses for analyses participate in a QA/QC program equivalent to that which is required by EPA. EPA may conduct a performance and QA/QC audit of each laboratory chosen by Respondent before, during, or after sample analyses. Upon request by EPA, Respondent shall have its laboratory perform analyses of samples provided by EPA to demonstrate laboratory performance. If the audit reveals deficiencies in a laboratory's performance or QA/QC, resampling and additional analysis may be required.

XI. PROJECT COORDINATOR

63. EPA hereby designates as its Project Coordinator:

Bill Mansfield
U.S. Environmental Protection Agency, Region 6
Compliance Assurance and Enforcement Division (6EN)
Federal Facilities Section
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
Phone: (214) 665-8321
Fax: (214) 665-6762
Email: mansfield.william@epa.gov

64. Within ten (10) days of Respondent's receipt of this Order, Respondent shall designate a Project Coordinator and submit the designated Project Coordinator's name, address, and telephone number in writing to EPA.

65. Respondent shall ensure that its Project Coordinator (original or replacement) has the ability and qualifications to effectively perform this role. All persons under the direction and supervision of the Respondent's Project Coordinator must possess all necessary professional licenses required by federal and state law.

66. Each Project Coordinator shall, on behalf of the party that designated the Project Coordinator, oversee the implementation of this Order and function as the principal project contact.

67. All communication between Respondent and EPA, and all documents, reports, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the Project Coordinators unless otherwise provided in this Order or agreed by the parties.

68. Respondent shall provide EPA with a written notice of any change in its Project Coordinator. Such notice shall be provided at least seven (7) days prior to the change in Project Coordinator.

XII. IMMINENT AND SUBSTANTIAL ENDANGERMENT

69. Notwithstanding any other provision of this Order, an enforcement action may be brought against Respondent, pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, and/or any other applicable statutory or regulatory authority, should EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an imminent and substantial endangerment to human health or the environment.

XIII. SAMPLING AND DATA/DOCUMENT AVAILABILITY

70. Respondent shall notify EPA at least fifteen (15) days in advance of collection of any samples at the Facility conducted pursuant to this Order.

71. At the request of EPA, Respondent shall provide or allow EPA or its authorized representatives to take split and/or duplicate samples of all samples collected by Respondent pursuant to this Order.

72. Respondent shall submit to EPA the results of all sampling and/or tests or other data generated by, or on behalf of, Respondent pursuant to the requirements of this Order.

XIV. ON-SITE AND OFF-SITE ACCESS

73. At all reasonable times, Respondent shall provide access to the Facility and to all records and documentation relating to conditions at the Facility and to the activities conducted pursuant to this Order to EPA and its employees, contractors, agents, consultants, and representatives, who shall be permitted to enter and freely move about all property at the Facility for the purpose of conducting activities EPA determines necessary to enforce the requirements of RCRA or this Order, including but not limited to:

a. Interviewing site personnel and contractors, inspecting records, operating logs, and contracts related to the Facility;

b. Reviewing the progress of Respondent in carrying out the terms of this Order;

c. Conducting such tests as EPA deems necessary;

d. Using a camera, video camcorder, sound recorder, or other documentary type equipment; and

e. Verifying the reports and data submitted to EPA by Respondent.

74. To the extent that activities required by this Order, or by any approved Workplan(s) prepared under this Order, must be done on property not owned or controlled by Respondent, Respondent shall use best efforts to obtain site access agreements in a timely manner from the present owners of such property. Best efforts shall include, but not be limited to, payment of reasonable rental costs and compensation for losses sustained by the owner or occupant of the property for which access is sought. Access agreements obtained, renewed, or amended after the date of this Order shall provide access to Respondent, its contractor(s), the United States, EPA, the State, and their representatives, including contractors. Respondent shall provide EPA's Project Coordinator with a copy of any access agreements obtained pursuant to this Order.

75. Nothing in this Order limits, constrains, or otherwise affects EPA's right of access and entry pursuant to applicable law, including RCRA and CERCLA.

XV. RECORD PRESERVATION

76. Respondent shall retain, during the period of this Order and for a minimum of five (5) years after its termination, a copy of all data, records and other documents now in its possession or control or which come into its possession or control, relating to this Order, including to any work performed or required by this Order. Respondent shall provide written notice to EPA's Project Coordinator at least sixty (60) days in advance of the destruction of any such data, records or documents, and shall provide EPA with an opportunity to take possession of them. Additionally, at the written request of EPA, Respondent shall provide EPA with any data, records or other documents retained under this paragraph.

XVI. INFORMATION SUBMITTED TO EPA

77. Respondent may assert a business confidentiality claim in the manner described in 40 C.F.R. § 2.203(b) covering all or part of any information submitted to EPA pursuant to this Order. In accordance with 40 C.F.R. § 2.204(e)(4), any assertion of confidentiality shall be adequately substantiated by Respondent when the assertion is made. Respondent shall have the burden of demonstrating to EPA that such privilege exists. Information submitted for which Respondent has asserted a claim of confidentiality as specified above shall be disclosed by EPA only to the extent and in the manner permitted by 40 CFR Part 2, Subpart B. If no such confidentiality claim accompanies the information when it is submitted to EPA, the information may be made available to the public by EPA without further notice to Respondent.

XVII. RESERVATION OF RIGHTS

78. EPA reserves all rights and defenses that it may have, including the right to disapprove of work performed by Respondent pursuant to this Order, to require that Respondent correct and/or re-perform any work disapproved by EPA, and to require that Respondent perform tasks in addition to those stated in the Workplan(s) or in this Order, consistent with the objectives of this Order.

79. EPA reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including any which may pertain to Respondent's failure to comply with any of the requirements of this Order, including without limitation: (1) the right to commence a civil action against Respondent under Section 3013(e) of RCRA, 42 U.S.C. § 6934(e), seeking an order requiring compliance with this Order and/or the assessment of penalties, and (2) all rights EPA has pursuant to Section 3013(d) of RCRA, 42 U.S.C. § 6934(d), to perform, or to authorize the performance of, any monitoring, testing or analysis that EPA deems reasonable under such authority and to seek reimbursement from Respondent for the costs of such activities.

80. Notwithstanding compliance with the terms of this Order, Respondent is not released from liability, if any, for the costs of any response actions taken or authorized by EPA. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, defenses, powers and/or authorities, civil or criminal, which EPA has under RCRA; the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq. ("CERCLA"), the Clean Water Act, 33 U.S.C. § 1251 et seq., the Safe Drinking Water Act, 42 U.S.C. §§ 3000f et seq., the Clean Air Act, 42 U.S.C. §§ 7401 et seq., or any other statutory, regulatory, or common law enforcement authority of the United States.

XVIII. OTHER APPLICABLE LAWS

81. All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws, regulations, permits, and ordinances.

82. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligations to comply with RCRA, or any other applicable federal, state, or local laws, regulations, permits, and ordinances.

83. This Order is not and shall not be interpreted to be a permit, or as a ruling or a determination of any issue related to a permit under federal, state or local law. This Order shall not in any way affect Respondent's obligation, if any, to secure such a permit, nor shall this Order be interpreted in any way to affect or waive any of the conditions or requirements that may be imposed by such permit, nor of Respondent's right to appeal any conditions of such permit. Respondent shall obtain or cause its representatives to obtain all permits and approvals necessary under such laws and regulations. The time for Respondent's performance under this Order may be extended upon written approval by EPA under Section XX of this Order (Subsequent Modification of Order) while Respondent uses its best efforts to obtain state and local permits

required for any activities required by this Order or the Workplan, including specifically, but not limited to, permits required for the installation of non-temporary groundwater monitoring wells.

XIX. OTHER CLAIMS

84. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action, demand, or defense in law or equity, against any person, firm, partnership, or corporation for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous wastes, hazardous waste constituents, hazardous substances, pollutants, or contaminants found at, taken to, or migrating from the Facility.

85. Neither the United States nor EPA shall be deemed a party to any contract involving Respondent and relating to activities at the Facility and shall not be liable for any claim or cause of action arising from or on account of any act, or the omission of Respondent, its officers, employees, contractors, receivers, trustees, agents or assigns, in carrying out the activities required by this Order.

86. By issuance of this Order, the United States and EPA assume no liability for any injuries or damages to persons or property resulting from any acts or omissions by Respondent or its agents, contractors, subcontractors or other representatives.

87. The existence of this Order, or Respondents' compliance with this Order, shall not be construed as an admission of liability, fault, or wrongdoing by Respondent.

XX. SUBSEQUENT MODIFICATION OF ORDER

88. This Order may be modified only by a written modification signed by the EPA Region 6 Director. Modification of any schedule or deadline under this Order, however, may be made in writing by EPA's Project Coordinator.

89. No informal advice, guidance, suggestions or comments by EPA shall be construed to modify the requirements of this Order. Routine communication between the parties to facilitate the performance of the work contemplated by this Order shall not alter or waive the rights or obligations of the parties under this Order.

XXI. SEVERABILITY

90. If any provision or authority of this Order, or the application of this Order to any party or circumstances, is held by any judicial or administrative authority to be invalid, the application of such provisions to other Parties or circumstances and the remainder of the Order shall not be affected thereby and shall remain in full force.

XXII. SATISFACTION AND TERMINATION

91. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of a written notice from EPA that Respondent has demonstrated to the satisfaction of EPA all of the requirements and terms of this Order, including any additional tasks determined by EPA to be required pursuant to this Order. This notice shall not, however, terminate Respondent's obligations to comply with any continuing obligations hereunder, including, but not limited to, Section XV (Record Preservation), Section XVII (Reservation of Rights), Section XVIII (Other Applicable Laws), and Section XIX (Other Claims).

XXIII. OPPORTUNITY TO CONFER

92. In accordance with Section 3013(c) of RCRA, 42 U.S.C. § 6934(c), Respondent or its representative may confer in person or by telephone with EPA regarding this Order. The opportunity to confer with EPA may be pursued by Respondent either before or after the Workplan is due but not later than sixty (60) days after the issuance of this Order. At such conference, Respondent may discuss with EPA the Order, its applicability to Respondent, the correctness of any factual determinations upon which the Order is based, the appropriateness of any action which Respondent is hereby ordered to undertake, and any other relevant and material issue.

93. At the conference described above, Respondent may appear in person and/or by attorney or other representative.

94. Any request to schedule a conference with EPA regarding this Order should be submitted to the EPA Project Coordinator as provided in Section XI of this Order. Scheduling a conference does not relieve Respondent of its obligation to perform the requirements of this Order within the timeframes specified by this Order.

XXIV. POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY

95. If EPA determines that Respondent is not able to conduct the activities required by this Order in a satisfactory manner, or if actions performed by Respondent are determined by EPA to be unsatisfactory, then EPA or its representatives may conduct such monitoring, testing and analysis it deems reasonable to ascertain the nature and extent of the hazard from the presence or release of hazardous waste at the Facility, or authorize the State or any other person to conduct such monitoring, testing and analysis. Respondent may then be ordered to reimburse EPA or its representatives, or the State or other person authorized by EPA, for the costs of such activity pursuant to Section 3013(d) of RCRA, 42 U.S.C. § 6934(d).

96. Any delay in performance of this Order that, in EPA's judgment, is not properly justified by Respondent under the terms of this Order shall be considered a failure to comply with this Order. Any delay in performance of this Order shall not affect Respondent's obligations to fully perform all obligations under the terms and conditions of this Order.

97. In the event Respondent fails or refuses to comply with the terms and provisions of this Order, EPA may commence a civil action in accordance with Section 3013(e) of RCRA, 42 U.S.C. § 6934(e), to require compliance with such Order and to assess a civil penalty (consistent with 40 CFR Part 19) not to exceed $7,500 for each day during which such failure or refusal occurs.

XXV. EFFECTIVE DATE

98. The effective date of this Order shall be the date on which it is signed by EPA Region 6.

IT IS SO ORDERED
BY U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 6:

DATE: 2·14·13

BY: _____
John Blevins
Director
Compliance Assurance and
Enforcement Division
U.S. Environmental Protection Agency Region 6

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Administrative Order is maintained with the Administrative Record in RCRA files at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202, and that a true copy of the Administrative Order was sent by Certified Mail, Return Receipt Requested to:

Ms. Holly Dempsey
Parker Solvents Company, Inc.
3619 Wheeler Avenue
Fort Smith, AR 72901

_____
Enforcement Paralegal
Region 6

Attachment 1

Summary of COPCs

1. **1,2-dichloroethene; *cis* and *trans*.** cis- or trans-1,2-DCE is not assessed under the Guidelines for Carcinogen Risk Assessment (U.S. EPA, 2005a) because there is "inadequate information to assess the carcinogenic potential." This descriptor reflects the lack of human epidemiological investigations or chronic animal bioassays. 1,2-DCE exists as two isomers, cis- and the trans- forms, with a molecular mass of 96.95. Both are colorless, flammable liquids that are heavier than water, with a chloroform-like, sweet, pungent smell. With boiling points between 48 and 60°C, they are volatile. At approximately 5 gL, both are moderately water soluble. The trans-isomer is the most commonly used form of 1,2-DCE, and is currently the only isomer commercially available in the United States. DCE was used historically as a solvent for polymers and rubber; these uses are no longer in practice. Currently, trans-1,2-DCE is used as an effective degreasing agent and as a component of formulated products used for precision cleaning of electronic components. It can also used as a blowing agent for specialty foams. Little information is available regarding the potential toxicity of cis- or trans-1,2-DCE in humans by either the oral or the inhalation route of exposure. Acute effects described for inhaled trans-1,2-DCE in humans include eye irritation, drowsiness, nausea, vertigo, narcosis, and death. No long-term effects are known. There are no chronic exposure studies in animals.

2. **Ethylbenzene.** Ethylbenzene is a Class D (not classifiable) human carcinogen. This is based on lack of animal bioassays and human studies.

3. **Trichloroethylene.** Trichloroethylene is "reasonably anticipated to be a human carcinogen," according to the National Toxicology Program (NTP) and the International Agency for Research on Cancer (IARC). Trichloroethylene is a colorless liquid which is used as a solvent for cleaning metal parts. Drinking or breathing high levels of trichloroethylene may cause nervous system effects, liver and lung damage, abnormal heartbeat, coma, and possibly death. Some studies with mice and rats have suggested that high levels of trichloroethylene may cause liver, kidney, or lung cancer. Some studies of people exposed over long periods to high levels of trichloroethylene in drinking water or in workplace air have found evidence of increased cancer. Although, there are some concerns about the studies of people who were exposed to trichloroethylene, some of the effects found in people were similar to effects in animals.

4. **Vinyl chloride.** Vinyl Chloride is considered to best fit the weight-of-evidence Category A (human carcinogen) on the basis of sufficient evidence for carcinogenicity in human epidemiology studies, according to current EPA Risk Assessment Guidelines (U.S. EPA, 1986). Under the Proposed Guidelines for Carcinogen Risk Assessment (U.S. EPA, 1996), it is concluded that Vinyl Chloride is a known human carcinogen by the inhalation route of exposure based upon human evidence, and by the oral route on the basis of extensive positive data in oral animal studies and the knowledge that

Vinyl Chloride is well absorbed by the oral route. Vinyl Chloride is also considered highly likely to be carcinogenic by the dermal exposure route because it is well absorbed by this route and is a systemic carcinogen. The association between occupational exposure to VC and the development of liver angiosarcomas is one of the best characterized cases of chemical-induced carcinogenicity in humans. Vinyl Chloride exposure, including polyvinyl chloride, has also been associated with increased death due to primary liver cancer, as well as cancer of the brain, lung, and lymphopoietic system, the association of Vinyl Chloride with angiosarcoma in numerous epidemiologic studies has been supported by findings in rats, mice, and hamsters administered Vinyl Chloride via the oral and inhalation routes. The mode of action is also well understood and documented; VC is metabolized to a reactive metabolite, probably CEO, which interacts with DNA, forming DNA adducts and ultimately leading to tumor formation.

5. **Benzene.** Benzene is a volatile, aromatic hydrocarbon and a component of gasoline. IRIS and the Report on Carcinogens lists benzene as a Group A (known human) carcinogen, causing leukemia in exposed individuals. Benzene exposure is associated with chromosomal damage in both humans and animals, although it is not mutagenic in microorganisms. Benzene has been shown to be feto-toxic and to cause embryo-lethality in experimental animals. Exposure to benzene has resulted in leukemia in humans. It also adversely affects the hematopoietic system. Very high concentrations in air (about 20,000 ppm) can cause death in minutes, with central nervous system depression and convulsions, and cardiovascular collapse. Vertigo, dizziness, drowsiness, headache, nausea, confusion, tremors, tachycardia, and eventual unconsciousness result from milder exposures. Dermal adsorption of liquid benzene can result in erythema, blistering, and scaly dermatitis. Benzene contamination of drinking and surface waters, fruits, vegetables, dairy products, nuts, and eggs all add to the human body burden of benzene. Long-term benzene exposures affect bone marrow thereby diminishing erythrocyte production and causing anemia. Excessive bleeding and deleterious effects on the immune system may also occur. Drinking fluids or eating food contaminated with high concentrations can result in vomiting, gastritis, vertigo, convulsions, tachycardia, and death. [AR3-7]

6. **Xylene.** Xylene may be a possible carcinogen, based on a number of human occupational studies that have suggested possible chronic inhalation exposure to xylenes. However, in each case co-exposure to other chemicals was a major confounder, leading to an inability to adequately assess the potential effects of chronic exposure to xylenes. Animal data on the carcinogenicity of xylenes following inhalation exposure are not available. Data are inadequate for an assessment of the carcinogenic potential of xylenes, under the Draft Revised Guidelines for Carcinogen Risk Assessment (U.S. EPA, 1999). Adequate human data on the carcinogenicity of xylenes are not available, and the available animal data are inconclusive as to the ability of xylenes to cause a carcinogenic response. Evaluations of the genotoxic effects of xylenes have consistently given negative results. Data on the carcinogenicity of xylenes following inhalation exposure are limited.

7. **Tetrachloroethylene.** Tetrachloroethylene (PCE) (or Tetrachloroethene) may be classified as a Class B2 (probable) or Class C (possible) carcinogen but the final decision has not yet been made. PCE produces liver cancer in mice when administered orally by gavage. Renal and hepatotoxicities have been reported following inhalation exposure of rats to fairly high concentrations. The MCL in drinking water is 0.005 mg/1.

8. **Toluene.** Toluene is not assessed under the Guidelines for Carcinogen Risk Assessment (U.S. EPA, 2005) because there is inadequate information to assess the carcinogenic potential of toluene. The studies of humans chronically exposed to toluene are inconclusive, toluene was not carcinogenic in adequate inhalation cancer bioassays of rats and mice exposed for life (CIIT, 1980; NTP, 1990; Huff, 2003), and increased incidences of mammary cancer and leukemia were reported in a lifetime rat oral bioassay at a dose level of 500 mg/kg-day but not at 800 mg/kg-day (Maltoni et al., 1997).

The information was compiled from: "Chemical, Physical, and Biological Properties of Compounds Present at Hazardous Waste Sites", prepared by Clement Associates, Inc., dated September 27, 1985, **EPA's Integrated Risk Information System (IRIS),** publications of the **Agency for Toxic Substances and Disease Registry (ATSDR),** and the **Report on Carcinogens,** 8th Summary 1998 Edition (RoC) published by the **National Institute of Environmental Health Science (NIEHS).**