



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Hoxie Enter into Consent Administrative Order

05/21/2021

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the City of Hoxie (“Hoxie”) entered into a March 25th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-026.

The CAO provides that Hoxie operates a wastewater treatment plant (“Facility”) in Lawrence County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary that eventually flows to the White River. Such discharge is stated to be regulated pursuant to an NPDES permit. The current NPDES permit is stated to have become effective on May 1, 2020, and expires on April 30, 2025.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Hoxie on May 10, 2018. Such review is stated to have indicated the following violations of the permitted effluent discharge limits:

- Twenty-seven violations of Total Suspended Solids;
- Eight violations of Ammonia Nitrogen;
- Four violations of Carbonaceous Biochemical Oxygen Demand;
- One violation of Fecal Coliform Bacteria;
- One violation of pH; and
- One violation of Dissolved Oxygen.

DEQ is stated to have sent Hoxie a letter requesting a Corrective Action Plan (“CAP”) to address the alleged violations. The CAP was to have a milestone schedule, final date of compliance, and be certified by an Arkansas Professional Engineer. Hoxie submitted a CAP to DEQ with a final compliance date of November 30, 2018. Such CAP was approved by DEQ.

Hoxie was requested to submit a Certification of Compliance to DEQ which is stated to have not been received.

DEQ is stated to have sent Hoxie correspondence regarding the incomplete Noncompliance Report (“NCR”) submitted for the alleged violations reported on the DMR for the monitoring period end date of May 31, 2020. DEQ requested completion of the report and resubmission. The CAO provides that the NCR has not been completed.

An additional review of DMRs is stated to have indicated the following violations of the NPDES permit from January 1, 2019, through August 31, 2020:

- Thirteen violations of Total Suspended Solids;
- Ten violations of Ammonia Nitrogen; and
- Four violations of Carbonaceous Biochemical Oxygen Demand.

NCRs for the alleged violations reported for the following DMR Monitoring Period End Dates are stated to have been incomplete because they lacked information about the cause of the violation and the corrective action taken:

- January 31, 2018;
- March 31, 2018;
- April 30, 2019;
- May 31, 2019;
- June 30, 2019;
- July 31, 2019
- January 31, 2020;
- February 29, 2020;
- April 30, 2020;
- May 31, 2020;
- June 30, 2020; and
- July 31, 2020.

DEQ sent Hoxie on October 7, 2020, a letter requesting a CAP to address the referenced permitted effluent limitations. A CAP was submitted with a final compliance date of November 30, 2021. DEQ subsequently approved the CAP.

The CAO requires that Hoxie implement the approved CAP in accordance with the milestone schedule and a final compliance date of November 30, 2020. Further, quarterly reports are required and the referenced NCRs must be completed.

A civil penalty of \$2,500 is assessed which is conditionally suspended if Hoxie fully complies with the CAO.

A copy of the CAO can be downloaded [here](#).