



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

Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Carroll County Motel Enter into Consent Administrative Order

08/18/2023

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Statue Road Inn (“SRI”) entered into a June 21st Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS NO. 23-039.

The CAO provides that SRI operates a wastewater treatment facility (“Facility”) in Carroll County, Arkansas.

The Facility discharges to an unnamed tributary which eventually flows to the White River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) on November 1, 2022. Such review is stated to have identified the following alleged violations of the permitted effluent discharge limits:

1. Eighteen (18) violations of Ammonia Nitrogen;
2. Three (3) violations of Dissolved Oxygen;
3. Four (4) violations of Total Suspended Solids;
4. Two (2) violations of Fecal Coliform Bacteria; and
5. Two (2) violations of Carbonaceous Biochemical Oxygen Demand.

The review of the DMRs is also stated to have indicated that SRI failed to conduct analysis for Total Suspended Solids and Carbonaceous Biochemical Oxygen Demand for the period ending December 31, 2019.

DEQ is stated to have conducted a Compliance Evaluation Inspection of the Facility on October 26, 2022. Such inspection is stated to have identified the following:

- SRI reported No Discharge on the DMR for the monitoring period of May 2022. Flow records at the Facility are stated to indicate that the discharges occurred during the month of May 2022.

- SRI failed to monitor the flow twice weekly.
- Failure to maintain the Facility and systems of treatment and control that are installed or used by SRI to achieve compliance with the permit.

SRI submitted a response to the inspection report on December 19, 2022, proposing corrective actions.

DEQ conducted an additional review of certified DMRs on April 27th. The review is stated to have identified the following violations:

1. Four (4) violations of Ammonia Nitrogen;
2. One (1) violation of Total Suspended Solids; and
3. Two (2) violations of Carbonaceous Biochemical Oxygen Demand.

The CAO requires that SRI implement and complete corrective actions set forth in its December 19, 2022, Inspection Response. Further, it is required to comply with the milestone schedule set forth in its Inspection Response. In addition, within 30 calendar days of the effective date of the CAO SRI is required to submit to DEQ a final Inspection Corrective Action Report demonstrating that all violations documented in the October 26, 2022, Inspection Report have been resolved.

The CAO also requires that within 30 calendar days of the effective date of the CAO that SRI submit to DEQ for review and approval a Comprehensive Corrective Action Plan ("CAP") developed by an Arkansas Professional Engineer. The CAP is required to include at a minimum the methods and best available technologies that will be used to correct the violations and prevent future violations. A reasonable milestone schedule with a date of final compliance no later than December 31, 2025, is required. Once reviewed and approved by DEQ, SRI is required to comply with the terms, milestone schedule, and final compliance date.

Quarterly progress reports are required to be submitted to DEQ until the final compliance report by December 31, 2025.

A civil penalty of \$9,000 is assessed which could have been reduced to \$4,500 if the CAO is signed and returned to DEQ within 30 calendar days of its receipt.

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