Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Van Buren Wastewater Treatment Facilities Enter into Consent Administrative Order



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06/05/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and City of Van Buren Municipal Utilities ("Van Buren") entered into a February 4th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-007.

The CAO provides that Van Buren operates three municipal wastewater treatment facilities:

- South Plant Facility ("South Plant")
- North Plant Facility ("North Plant")
- Lee Creek industrial Park Plant facility ("Lee Creek Plant")

The facilities are located in Crawford County, Arkansas.

The South Plant and Lee Creek Plant are stated to discharge treated wastewater to the Arkansas River. The North Plant is stated to discharge treated wastewater to Lee Creek which eventually flows into the Arkansas River.

The facilities are regulated pursuant to an NPDES Permit.

DEQ is stated to have received Van Buren's 2021 Annual Pretreatment Report for the period of October 1, 2021, to September 30, 2022, on October 21, 2022.

DEQ conducted a review of the Industrial Pretreatment Program on November 8, 2022. The review is stated to have identified a failure to analyze the North Plant influent and effluent for the presence of toxic pollutants listed in 40 CFR Part 122, Appendix D Table II required for the second quarterly period due by March 31, 2022.

Pursuant to a meeting with DEQ, Van Buren agreed to submit an amended October 2021 to September 2022 Pretreatment Report, copies of their Notices of Violation with responses, and sampling data or self-sampling reports. A revised Pretreatment Report is stated to have been submitted on November 8, 2023.

DEQ conducted a review of certified Discharge Monitoring Reports ("DMRs") submitted by Van Buren in accordance with the three plant NPDES Permits. The following violations are stated to have been identified:

- South Plant, Permit AR002I482:
- One (I) violation of Carbonaceous Biochemical Oxygen Demand;
- One (I) violation of Total Suspended Solids; and
- Eight (8) violations of Ammonia Nitrogen.
- North Plant, Permit AR0040967:
- Three (3) violations of Carbonaceous Biochemical Oxygen Demand;
- One (I) violation of Total Suspended Solids; and
- One (I) violation of Ammonia Nitrogen.
- Lee Creek Industrial Park, Permit AR0037567:
- No violations.

On January 2, DEQ conducted a review of DMRs and identified the following violations:

- South Plant, Permit AR002 I 482:
- One (I) violation of Carbonaceous Biochemical Oxygen Demand;
- One (1) violation of Total Suspended Solids; and
- Three (3) violations of Ammonia Nitrogen.
- North Plant, Permit AR0040967:
- No violations.
- Lee Creek Industrial Park, Permit AR0037567:
- No violations.

The CAO requires that on or before its effective date that Van Buren submit a certification of compliance with effluent discharge limits for the three plants. If unable to certify compliance with all permitted effluent limits, Van Buren is required within 30 calendar days of its effective date to submit to DEQ for review and approval a comprehensive Corrective Action Plan ("CAP") developed by an Arkansas Professional Engineer. CAP is required to include at a minimum, the methods and best available technologies that will be used to correct the violations listed in Findings of Fact Paragraphs 21 and 23 and prevent future violations. A reasonable milestone schedule is required, and the CAP shall be fully enforceable as terms of the CAO.

Quarterly progress reports are required and a schedule for sampling to ensure all samples are taken and analyzed timely are required.

A civil penalty of $4,600.00 is assessed.

A copy of the CAO can be downloaded here.