Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Randolph County Public Water Authority Enter Into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Northeast Arkansas Public Water Authority ("Northeast") entered into a March 10th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-019.

The CAO provides that Northeast operates a minor industrial wastewater treatment facility ("Facility") in Pocahontas, Arkansas.

The Facility is stated to discharge treated wastewater to the Spring River, 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 the Discharge Monitoring Reports ("DMRs") on January 8th. The review is stated to have identified the following violations of the effluent discharge limits:

- Ten (10) violations of Total Suspended Solids; and
- Two (2) violations of Total Residual Chlorine.

The review of the DMRs is also stated to have indicated that the Facility failed to submit a Non-Compliance Report ("NCR") for effluent violations reported for the monitoring period ending March 31, 2022.

DEQ has also determined that the wastewater operator listed on the NPDES Permit did not have a current wastewater operator license. On June 6, 2024, the licensed wastewater operator listed on the most recent NPDES Permit application submitted payment to renew his wastewater operator's license.

The CAO requires that within 30 calendar days of its effective date that Northeast provide documentation that the Facility has a wastewater operator who holds a minimum of a Basic Industrial wastewater operator license issued in the state of Arkansas. Further, the Facility is required to immediately comply with all permitted effluent limits unless a Corrective Action Plan ("CAP") is submitted and approved by DEQ.

If Northeast is unable to immediately comply with all permitted effluent limits, then within 30 calendar days of the effective date of the CAO, it must submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer. The CAP is required to include, at a minimum, he methods and best available technologies that will be used to correct the violations listed in Findings of Fact and prevent future violations and include a reasonable milestone schedule with a date of final compliance no later than December 31, 2026.

Quarterly progress reports are required.

The Facility is also required to submit any NCRs that were previously completed but not submitted to DEQ.

A civil penalty of $28,000.00 is assessed, which could have been reduced to on-half if the document was signed and returned to DEQ within 20 calendar days of its receipt.

A copy of the CAO can be downloaded here.