Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Lonoke County Wastewater Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Furlow Waste Water Public Facilities Board ("Furlow") entered into a July 30th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-059.

The CAO provides that Furlow discharges treated wastewater to an unnamed tributary which eventually flows in the Arkansas River Basin.

Such discharge is regulated pursuant to an NPDES Permit.

Furlow is stated to have violated Part III.D.10 of the Permit by not submitting a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date. A permit renewal application was deemed administratively complete on April 18, 2024.

DEQ conducted a review of the certified Discharge Monitoring Reports ("DMRs") submitted by Furlow in accordance with the NPDES Permit. The following exceedances were identified:

1. Eleven (11) violations of Ammonia Nitrogen;
2. Seven (7) violations of Fecal Coliform Bacteria;
3. Two (2) violations of Total Suspended Solids;
4. One (1) violation of Dissolved Oxygen; and
5. One (1) violation of pH.

The review of the DMRs is also stated to have indicated a failure submit Non-Compliance Reports ("NCRs") for effluent violations reported during the November 2022 and September 2023 monitoring periods. This violated Part III.D.7 of the NPDES Permit. Further, Furlow is stated to have failed to submit DMRs by the due date for 21 monitoring periods as specified in the CAO.

A failure to conduct analysis for the monitoring periods ending October 31, 2021, and May 31, 2022, is stated to have been identified. This violated Part I.A of the NPDES Permit.

The CAO requires that Furlow comply with the existing NPDES Permit until either the effective date of the permit renewal or the effective date of the permit termination.

Furlow is required within 30 calendar days of the effective date of the CAO to submit to DEQ, for review and approval, a comprehensive Corrective Action Plan ("CAP") developed by an Arkansas Professional Engineer, which shall include at a minimum, the methods and best available technologies that will be used to correct the violations listed in Findings of Fact and prevent future violations. In addition, a system is required to be identified that will be implemented to ensure that Furlow meets all reporting requirements. A milestone schedule is required, which requires a final compliance date no later than December 21, 2026.

Quarterly progress reports are required.

A civil penalty of $6,800.00 is assessed, which is conditionally suspended if Furlow fully complies with the CAO.

A copy of the CAO can be downloaded here.