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Wastewater Enforcement: Arkansas Department of Environmental Quality and Saline County, Arkansas, Wastewater Treatment Plant Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Maple Creek Farms Property Owners SID No. 2 (“Maple Creek”) entered into a March 14th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-021.

The CAO provides that Maple Creek operates a wastewater treatment plant (“Facility”) in Saline County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary to Maple Creek and eventually to Arkansas River Segment 3C of the Arkansas River Basin. The discharge is authorized pursuant to an NPDES permit.

The NPDES permit is stated to require that Maple Creek submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if activity regulated by the permit is to continue after the expiration date. The CAO states that Maple Creek intends to operate the Facility beyond the expiration date of the current permit, January 31, 2019.

ADEQ is stated to have notified Maple Creek on February 8, 2018, and May 3, 2018, that the NPDES permit would expire on January 31, 2019, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than August 4, 2018.

ADEQ is stated to have received an incomplete application for renewal from Maple Creek on August 17, 2018, and notified Maple Creek that its application was incomplete on August 24, 2018. Maple Creek submitted additional information to ADEQ regarding the permit application and the agency indicated it was administratively complete on October 11, 2018.

The CAO provides that the NPDES permit renewal application was not received by August 4, 2018, therefore constituting a violation of the NPDES permit.

ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Maple Creek in accordance with the NPDES permit. The review allegedly indicated that Maple Creek violated the NPDES permit effluent discharge limits contained in the Permit. The alleged violations include:

- Six violations for Total Suspended Solids
- Five violations for Fecal Coliform
- Four violations for Dissolved Oxygen
- Nine violations for carbonaceous BOD
- Twelve violations for Ammonia Nitrogen

The CAO requires that Maple Creek comply with the existing NPDES permit until the effective date of the permit renewal. Further, the CAO provides that if during the one-year period following the effective date of the CAO, Maple Creek has additional effluent violations, it is required to submit to ADEQ, for review and approval, a comprehensive Corrective Action Plan (“CAP”) certified by a Professional Engineer licensed in the state of Arkansas.

The CAP is required to include a reasonable milestone schedule, date of final compliance no later than six months following ADEQ approval of the CAP, and detail the methods and best available technologies that will be used to address the effluent violations and prevent future violations. ADEQ has a right of review and once approved the CAP, milestone schedule, and date of final compliance date is enforceable as a term of the CAO.

The CAO assesses a civil penalty of \$1,000, which could have been reduced to \$500 if the Order was executed and returned to the agency within 20 days of receipt of the document.

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