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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Peco Foods, Inc. (“PFI”) entered into an April 14th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-147.

The CAO provides that PFI operates a poultry processing facility (“Facility”) in Randolph County, Arkansas.

The Facility is stated to discharge treated wastewater to the Black River which eventually flows into the White River Basin. Such discharge is stated to be regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by PFI in accordance with the NPDES permit.

The review of the DMRs is stated to have indicated that the following violations of the permitted effluent discharge limits of the permit are alleged to have occurred from November 1, 2016 through September 30, 2019:

1. Nine violations of Total Suspended Solids;
2. One violation of Oil & Grease;
3. Seven violations of Ammonia Nitrogen; and
4. Eleven violations of Fecal Coliform Bacteria

DEQ is stated to have requested that PFI submit a Corrective Action Plan (“CAP”) to address the cause of the alleged effluent violations. The CAP was submitted to DEQ with a final compliance date of December 31, 2020. DEQ subsequently approved the CAP.

DEQ is stated to have conducted on February 3, 2020, a review of certified DMRs submitted by PFI in accordance with the NPDES permit. The review is alleged to have indicated that the following violations of the permitted effluent discharge limits in the permit occurred in the period from October 1, 2019, through December 31, 2019:

1. Four violations of Total Suspended Solids; and
2. One violation of Fecal Coliform Bacteria

The CAO requires that PFI follow the milestone and compliance schedule contained in the CAP. Such terms, milestone and compliance schedule, final compliance date, are, therefore, fully enforceable terms of this CAO.

Further, PFI is required to submit quarterly progress reports detailing the progress that has been made toward compliance with the final permitted effluent limits set forth in Part 1, Section A of the NPDES permit. The final compliance report must be submitted by December 31, 2020.

A civil penalty of \$4,200 is assessed which could have been reduced by one half if the CAO was signed and returned to DEQ within 20 calendar days of the document's receipt.

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