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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Clampit, LLC (“Clampit”) entered into a May 6th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-151.

The CAO provides that Clampit operates a non-municipal wastewater treatment facility (“Facility”) in Hot Springs Village, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary that eventually flows into Segment 2F of the Ouachita River Basin.

The NPDES permit is stated to have been issued to Clampit in 2017 and expires on June 30, 2022.

DEQ is stated to have conducted a review of certified Clampit Discharge Monitoring Reports (“DMRs”) on December 7, 2017. Such review is stated to have indicated that Clampit reported the following violations:

1. Two violations of Total Suspended Solids;
2. One violation of pH;
3. Two violations of Ammonia Nitrogen;
4. Two violations of Fecal Coliform; and
5. Three violations of Carbonaceous Biochemical Oxygen Demand

The CAO references a review on January 10, 2018, of certified DMRs indicating one violation of pH.

An additional review of DMRs is indicated to have addressed effluent discharge limits from December 1, 2017, through February 28, 2018:

1. Two violations of pH;
2. Four violations of Carbonaceous Biochemical Oxygen Demand;
3. One violation of Dissolved Oxygen; and
4. One violation of Total Suspended Solids

A Corrective Action Plan (“CAP”) request is stated to have been submitted to Clampit regarding the alleged violations. On September 6, 2018, Engineers, Inc., on behalf of Clampit is stated to have submitted a letter to DEQ indicating a CAP would be submitted on or before September 14, 2018.

Such CAP was submitted to DEQ and approved by the agency. Further, a progress report was submitted with a final completion date of February 28, 2019.

Engineers Inc., is stated to have submitted a request for a pilot project to install a blower and double diffuser at each treatment unit followed by compliance monitoring at four and eight weeks after installation.

An additional review of DMRs is stated to have been undertaken on December 4, 2019, with the following violations allegedly identified:

1. One violation of pH;
2. Twenty-three violations of Carbonaceous Biochemical Oxygen Demand;
3. Two violations of Oil & Grease;
4. Eight violations of Fecal Coliform;
5. Two violations of Dissolved Oxygen;
6. Nineteen violations of total Suspended Solids; and
7. One violation of Ammonia Nitrogen

DEQ is stated to have conducted a routine compliance evaluation inspection of the Facility on March 15, 2019, and identified the following violations:

1. The chlorinator was not being properly maintained. There were no chlorine tablets in the chlorinator at the time of inspection.
2. The grease trap was not being properly maintained. The grease trap contained built-up waste.

The CAO requires that Clampit immediately comply and certify compliance of all permitted effluent limits unless a Revised Corrective Action Plan (“RCAP”) is submitted as provided in Paragraph 2 of the CAO. If so, the CAP shall be approved by DEQ which therefore requires compliance with all permitted effluent limits no later than January 31, 2021.

If unable to comply immediately with all permitted effluent limits, the CAO provides that a comprehensive RCAP be developed by a Professional Engineer licensed in the State of Arkansas which will address methods and best available technologies used to correct the previously referenced violations and prevent future violations. It is required to include a reasonable milestone schedule with a date of compliance no later than January 31, 2021.

Upon review and approval by DEQ, Clampit is required to comply with the terms, milestone schedule, and final compliance date in the approved RCAP. These are then considered fully enforceable terms of the CAO. Additional quarterly reporting to DEQ regarding progress is required.

A civil penalty of \$2,500 is assessed of which \$2,000 is conditionally suspended if full compliance with the CAO is accomplished.

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