



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Ouachita River Joint Pipeline Enter into Consent Administrative Order

09/02/2020

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the Ouachita River Joint Pipeline permittees (“Joint Pipeline”) entered into a July 29th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-165.

The Joint Pipeline permittees include:

- City of El Dorado
- Lion Oil Company – El Dorado Refinery
- Great lakes Chemical Corporation Central Plant
- El Dorado Chemical Company

The City of El Dorado is stated to operate the Joint Pipeline which is in Union County, Arkansas. Further, each of the previously referenced entities are stated to be authorized to discharge from their own permitted facilities to the Joint Pipeline.

The Joint Pipeline discharges treated wastewater to the Ouachita River in Segment 2D of the Ouachita River Basin. Such discharges are authorized pursuant to an NPDES permit.

The Joint Pipeline permittees are stated to have reported 29 pipeline integrity failures between November 13, 2013 and January 27, 2020. Twenty-one of such integrity failures are stated to have resulted in unpermitted discharges.

Eight reported pipeline integrity failures were stated to have been discovered during hydrotesting at pressures above operating levels and did not result in unpermitted discharges.

The CAO describes the development of a Corrective Action Plan (“CAP”) in regard to pipeline integrity failures. Information is stated to have been exchanged between DEQ and the City of El Dorado. The information exchanged included pipeline repairs reports.

DEQ is stated to have conducted a routine compliance evaluation inspection (“CEI”) on April 23, 2018 of the Joint Pipeline. The DEQ inspector is stated to have observed deficiencies in the Joint Pipeline’s procedures and processes for NPDES permit compliance sampling and testing. DEQ and the Joint Pipeline operator exchanged information regarding such alleged violations.

DEQ is also stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by the Joint Pipeline permittees in accordance with the NPDES permits. Alleged violations identified included:

1. Two violations for CBOD5; and
2. Three violations for Ammonia Nitrogen

The CAO requires that within 60 calendar days of its effective date that the Joint Pipeline permittees submit to DEQ, for review and approval, an updated CAP with regard to pipeline integrity failures of the Joint Pipeline. The CAP is required to be certified by a Professional Engineer licensed in the State of Arkansas and includes a number of described minimum components (which include a milestone schedule and periodic reports).

The CAO also requires that the Joint Pipeline permittees hire a third party to conduct an Internal Audit of the compliance sample management procedures for effluent discharges in accordance with the NPDES permit. Such Internal Audit is required to:

. . . identify any instances of noncompliance with applicable sample custody, transfer, and documentation methods and procedures; develop consistent standard operating procedures with the Ouachita River Joint Pipeline permittees; and conduct training to demonstrate compliance with the Permit. Respondents shall submit the Internal Audit to DEQ within ninety (90) calendar days of the effective date of this Order.

The CAO imposes a schedule for implementation of actions necessary to achieve and maintain compliance with the sampling and collection requirements and a report of actions taken to achieve and maintain compliance with respect to any instances of noncompliance detected by the Internal Audit.

The CAO assesses a civil penalty of \$27,100, of which \$12,000 is conditionally suspended if the Joint Pipeline complies with the CAO.

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