



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

Solid Waste/Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Little River County Solid Waste Transfer Station Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Little River County (“Little River”) entered into a February 3rd Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Solid Waste Management Code (Arkansas Pollution Control and Ecology [APC&EC] Regulation 22) and a Stormwater Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-013.

The CAO provides that Little River operates a solid waste transfer station (“Facility”) located in Ashdown, Arkansas.

The Facility is stated to have held a solid waste permit from August 17, 2007, to May 23, 2011.

A DEQ solid waste inspector is stated to have conducted a routine inspection at the Facility on November 27, 2018. The following violations of Arkansas Pollution Control and Ecology Commission (“APC&EC”) Regulation 22 were allegedly identified:

- During the inspection, DEQ personnel observed conditions of the processing area pad to be inadequate.
- The DEQ inspector observed that the Facility had not replaced the sanitary sewer system with an approved holding tank.

DEQ is stated to have conducted a routine quarterly inspection at the Facility on February 21, 2019. The agency is stated to have informed Little River of the following:

You should immediately undertake all actions necessary to correct the violations cited in the attached report. Written notification of the corrective actions taken, or to be taken, for the alleged violations must be submitted within thirty (30) calendar days from the date of this letter ...

Little River is stated to have failed to provide a response to DEQ within 30 calendar days from receipt of the agency's letter.

A routine quarterly inspection was stated to have been conducted on May 30, 2019. The agency is further stated to have informed Little River to accomplish certain actions within 30 days.

Little River is stated to have failed to provide DEQ a timely response.

A September 18, 2019, routine quarterly inspection was stated to have been undertaken and it was allegedly determined that Little River did not submit the annual report to DEQ for calendar year 2018.

Little River is stated to have met with DEQ on September 25, 2019, to discuss the Facility's permit status and installation of a leachate tank.

A routine quarterly inspection is stated to have been conducted on November 19, 2019, which allegedly identified two repeat violations of APC&EC Rule 22.904. A subsequent December 3, 2019, letter informed Little River that:

You should immediately undertake all actions necessary to correct the violations cited in the attached report. A written response and documentation of the corrective actions must be submitted by email to olrenforcement@adeq.state.ar.us and greenwood@adeq.state.ar.us, or delivered in person or by mail to the address found at the bottom of this letter, within thirty (30) calendar days from receipt of this letter.

Little River is stated to have failed to submit a timely response.

DEQ is stated to have received Little River's Notice of Intent ("NOI") on February 4, 2020, for coverage under the General Permit for the Construction and Operation of a Solid Waste Transfer Station. The NOI is stated to have indicated that Little River provided that leachate and other wastewater on-site is pumped into a leachate holding tank and periodically transferred to Texarkana Water and Utilities Wastewater Treatment Plant for disposal.

DEQ is stated to have conducted a routine quarterly inspection at the Facility on March 3, 2020. The inspection report allegedly identified two repeat violations of APC&EC Rule 22.904. Such inspection is stated to have determined that the leachate and other wastewater on-site was not routed to an approved collection and treatment system.

DEQ is stated to have conducted a reconnaissance compliance evaluation inspection of the Facility on December 19, 2018, and determined that:

Little River operates a solid waste transfer station, and the activities at the Facility are industrial activities. The processing area for the transfer station is uncovered and exposed to stormwater. Pursuant to 40 C.F.R. 122.26, as incorporated by Rule 6.104, an NPDES permit is required for stormwater discharges associated with industrial activity, including activities at a solid waste transfer station. Respondent is discharging stormwater associated with industrial activity without a permit. This is a violation of 40 C.F.R. 122.26, as incorporated by Rule 6.104, and therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).

Little River is stated to have provided DEQ a Notice of Intent ("NOI") for coverage under the NPDES Industrial Stormwater General Permit. DEQ issued such permit to Little River with an expiration date of June 30, 2024. Further, DEQ is stated to have received from Little River a Recertification Notice of Intent for coverage under the Industrial Stormwater General Permit on June 26, 2019. Coverage was then subsequently provided on December 6, 2019, under the renewed NPDES Industrial Stormwater General Permit.

The Little River Facility is required to immediately cease Facility operations generating drainage from cleaning, unloading, and processing areas. Further, on or before the effective date of the CAO Little River is required to submit a report stamped by a Professional Engineer licensed in the State of Arkansas, stating any discharges from the septic tank or any connected pipe have ceased.

Until DEQ issues a permitting decision or permit coverage to the Facility for solid waste transfer activities, Little River is required to comply with General Permit 0003-STSW-B.

Within 30 calendar days of the effective date of the CAO Little River is required to submit to DEQ for review and approval a comprehensive Corrective Action Plan (“CAP”) developed by a Professional Engineer licensed in the State of Arkansas, that at a minimum contains the methods and best available technologies that will be used to correct the alleged violations listed in Findings of Fact and prevent future violations. The CAP is required to include:

- The installation of an approved holding tank
- A process for routing the collected wastewater to an approved treatment system
- A reasonable milestone schedule with a date of final compliance

Upon DEQ’s approval of the CAP, Little River is required to implement it prior to re-commencing Facility operations that generate drainage from cleaning, unloading, and processing areas.

A civil penalty of \$4,650 is assessed.

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