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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Albemarle Corporation (“AC”) entered into an October 4th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination (“NPDES”) permit. See LIS No. 21-103.

The CAO provides that AC operates a chemical manufacturing facility (“Facility”) in Columbia County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary which eventually flows into Segment 1A of the Red River Basin. Such discharge is regulated pursuant to an NPDES permit (“Permit”).

Certain sections of the Permit are stated to require AC to certify that the Facility is in compliance with Final Effluent Limitations for Total Recoverable Lead within three years of the effective date of the Permit. Further, Paragraph 10 identifies the Final Effluent Limitations for total Recoverable Lead at Outfall 001.

DEQ is stated to have received AC’s Final Compliance Schedule Report on August 5, 2019. The report is stated to have provided a certification of compliance with the final mass effluent limits for Total Recoverable Lead. The final compliance schedule report is stated to have not certified compliance with the final concentration effluent limits for Total Recoverable Lead.

AC is stated to have not provided certification that the Facility was in compliance with all final effluent limitations for Total Recoverable Lead within three years after the effective date of the Permit. This is stated to constitute a failure to certify compliance with the final concentration effluent limit for Total Recoverable Lead and a violation of the Permit.

DEQ is stated to have conducted a review of Discharge Monitoring Reports (“DMRs”) submitted by AC for the reporting period of August 1, 2018, through June 30, 2019. The review is stated to have indicated that

AC reported values for total monthly average of Total Recoverable Lead that exceeded the final concentration effluent limits for Total Recoverable Lead eight times during the period.

DEQ subsequently requested a Corrective Action Plan ("CAP") to address the alleged failure to comply with the final concentration effluent limitations for Total Recoverable Lead.

After meeting with DEQ, AC submitted a Request for Permit Modification to the agency on October 8, 2019.

DEQ submitted a draft modified permit to the United States Environmental Protection Agency ("EPA") on June 4, 2020. Subsequent to discussions with EPA about the draft modified permit, DEQ withdrew it.

DEQ conducted a review of DMRs on November 10, 2020, for the reporting period of September 1, 2019, through October 31, 2020. The following violations were allegedly identified:

- 3 violations of Lead, Total Recoverable, Monthly Average
- 1 violation of Lead, Total Recoverable, Daily Maximum
- 1 violation of Whole Effluent Toxicity, C. Dubia

AC submitted a request to DEQ on February 18th to withdraw the permit modification application. On February 24th, AC submitted to DEQ a renewal application for the Permit which was deemed complete by the agency.

DEQ conducted a review of DMRs on April 1, 2020, which allegedly identified the following violations:

- 2 violations of Lead, Total Recoverable, Monthly Average

The CAO requires that within 30 calendar days of its effective date AC submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer to achieve compliance with the Permit. Upon review and approval by DEQ, AC is required to comply with the terms, milestone schedule and final compliance date contained in the CAP.

A civil penalty of \$4,000 is assessed which could have been reduced to \$4,000 if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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