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Wastewater Enforcement: Arkansas Department of Energy and Environment – Division of Environmental Quality and Union 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 Cedarwood Leisure Park, LLC (“Cedarwood”) entered into an August 31st Consent Administrative Order addressing alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-080.

The CAO provides that Cedarwood operates that Cedarwood operates a private wastewater treatment facility in Union County, Arkansas (“Facility”).

The Facility is stated to discharge treated wastewater to an unnamed tributary of Flat Creek and eventually to the Ouachita River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Cedarwood on March 22nd. Such review is stated to have indicated that Cedarwood reported the following violations of the permitted effluent discharge limits:

- One (1) violation of Total Suspended Solids;
- Five (5) violations of Total Dissolved Solids;
- Two (2) violations of Dissolved Oxygen;
- Eight (8) violations of Chloride; and
- Four (4) violations of Fecal Coliform Bacteria.

The review of the DMRs is also stated to have indicated that Cedarwood failed to conduct sample analysis for the following monitoring periods:

- 2018: May 1 - May 31 (001-A);
- 2019: August 1-August 31 (001-C); and September 1- September 30 (001-Q).

DEQ is stated to have sent Cedarwood a letter requesting a Corrective Action Plan (“CAP”) to address the alleged violations of the permitted effluent discharge limitation system. The CAP was required to have a milestone schedule, a final date of compliance, and be certified by an Arkansas Professional Engineer.

Cedarwood submitted a CAP to DEQ on April 22nd indicating that final compliance would be achieved by the date of the eighth quarterly progress report. As a result, DEQ determined that the final compliance date was February 15, 2023. An initial quarterly progress report has been submitted.

An updated review of certified DMRs is stated to have been conducted by DEQ on July 21st indicating the following alleged violations:

- Four (4) violations of Fecal Coliform Bacteria;
- Two (2) violations of Total Ammonia Nitrogen; and
- One (1) violation of Total Dissolved Solids.

Cedarwood is required to comply with the terms, milestone schedule, and final compliance date of February 15, 2020, contained in the approved CAP. Further, quarterly progress reports are required to be submitted.

A civil penalty of \$6,000 is assessed which could have been reduced to \$3,000 if the CAO is signed and returned to DEQ within 20 calendar days of its receipt.

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