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Water Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Pope County Wastewater/Biosolids Services Company Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Terra Renewal Services, Inc. – Pulaski County (“Terra”) entered into a December 13th Consent Administrative Order (“CAO”) addressing alleged violations associated with a land application site. See LIS No. 21-137.

The CAO provides that Terra operates a wastewater and biosolids collection, haulage, reuse, and disposal services company located in Pope County, Arkansas.

Terra is stated to have land applied wastewater at a site in Pulaski County, Arkansas (“Land Application Site”). Further, DEQ is stated to have issued a No-Discharge Water Permit (“Permit”) to Terra on August 30, 2018.

DEQ is stated to have conducted an inspection of the Land Application Site on May 11th and 12th. The inspection allegedly identified the following violations:

- Application of waste to fields in a manner that resulted in ponding and surfacing on the Land Application Site
- Application of loads of waste to certain fields when the National Weather Service forecasted a chance of precipitation of 90 percent for May 11th
- Land application on a certain field when the soil was saturated
- A 100-foot buffer distance from the ordinary high water mark of the adjacent waterbody was not flagged along the southern border of a field

Terra responded to DEQ’s submission of the inspection results on June 11th.

Terra neither admits nor denies the truth of falsity of any of the findings of fact, allegations, or issues currently in dispute and is stated to wish to avoid the uncertainty of litigation.

The CAO requires that Terra cease disposal of industrial waste at the permitted locations unless it can conduct that activity pursuant to the conditions of the Permit. Further, upon the effective date of the CAO Terra is required to submit to DEQ a quarterly report that contains :

- Land Application Site inspection records
- Land Application records
- Load tickets records

Such submission is required to continue for one year from the effective date of the CAO.

A civil penalty of \$33,600 is assessed which could have been reduced by one-half 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](#).