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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and City of Sulphur Rock Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the City of Sulphur Rock, Arkansas (“Sulphur Rock”), entered into a December 13th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS 21-136.

The CAO provides that Sulphur Rock operates a municipal wastewater treatment system (“Facility”) in Independence County, Arkansas.

The Facility discharges treated wastewater to Big Creek which eventually flows into the White River. Such discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have sent Sulphur Rock a letter on September 30, 2019, requesting a Corrective Action Plan (“CAP”) to address violations of the permitted effluent discharge limitations reported for the following parameters:

- Carbonaceous Biochemical Oxygen Demand;
- Suspended Solids;
- Ammonia Nitrogen;
- Dissolved Oxygen; and
- Fecal Coliform Bacteria

Such CAP is stated to have required a milestone schedule, a final compliance date, and be certified by an Arkansas Professional Engineer.

The CAP was subsequently submitted and had a final compliance date of November 30, 2020.

DEQ requested that Sulphur Rock submit a CAP update by October 2, 2020. This was submitted to DEQ on September 25, 2020, with a final compliance date of February 26th.

Sulphur Rock submitted an updated CAP on April 30th. This updated CAP had a final compliance date of August 31st.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports submitted by Sulphur Rock in accordance with its NPDES permit. The following effluent limit violations were allegedly identified:

- Fifty-six (56) violations for Carbonaceous Biochemical Oxygen Demand;
- Sixty-three (63) violations of Total Suspended Solids;
- Forty-nine (49) violations of Ammonia Nitrogen;
- Four (4) violations of Dissolved Oxygen; and
- Twenty-seven (27) violations of Fecal Coliform Bacteria

The CAO requires that Sulphur Rock submit a Corrective Action Report to DEQ on or before its effective date. It is required to detail corrective actions that have been taken (which must include photographic evidence). Further, Sulphur Rock is required to immediately comply with all permitted effluent limits unless the CAP is approved by DEQ. In such case, Sulphur Rock is required to comply with all permitted effluent limits no later than December 31, 2023.

In the event Sulphur Rock is unable to comply immediately with all permitted effluent limits, it is required within 30 days of the effective date of the CAO to provide to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer. Such CAP must include (at a minimum) the methods and best available technologies that will be used to correct the violations listed in the Findings of Fact and prevent future violations. A reasonable milestone schedule must also be included.

A civil penalty of \$5,000 is assessed, of which \$5,000 is conditionally suspended if Sulphur Rock fully complies with the CAO.

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