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Wastewater Enforcement: Arkansas Department of Energy & 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 & Environment – Division of Environmental Quality (“DEQ”) and Albermarle Corporation-South Plant (“Albermarle”) entered into a March 8th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 22-022.

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

The Facility is stated to discharge treated wastewater to an unnamed tributary of Horsehead Creek which eventually flows to the Red River. The discharge is regulated pursuant to an NPDES permit.

Part I, Section B of the NPDES permit is stated to require Albermarle to certify the Facility is in compliance with the Final Effluent Limitations for Total Recoverable Lead, *P. promelas* Lethality and Sub-Lethality, and *C. dubia* Lethality within three years of the effective date of the NPDES permit.

DEQ is stated to have received Albermarle’s Final Compliance Schedule Report on April 29, 2021, in which it certified compliance with the final effluent limitations for Total Recoverable Lead, *P. promelas* Lethality and Sub-Lethality, and *C. dubia* Lethality.

The report is stated to have indicated a Toxicity Reduction Evaluation (“TRE”) Action Plan would be submitted to DEQ by May 1, 2021, to address the increasing sub-lethality in *C. dubia*.

Albermarle is stated to have submitted the TRE Action Plan with a final compliance date of May 4, 2023.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Albermarle for the reporting period of August 1, 2018, through September 30, 2021. The review is stated to have indicated the following:

1. Respondent reported violations of Whole Effluent Toxicity (WET) *C. dubia* Sub--Lethality six (6) times. The violations were reported on the TX4-Q DMRs for monitoring period end dates June

30, 2020; September 30, 2020; December 31, 2020; March 31, 2021; June 30, 2021; and September 30, 2021.

2. Respondent reported violations of WET *P. promelas* Sub-Lethality one (1) time during this period. The violation was reported on the TX4-Q DMRs for monitoring period ending on June 30, 2021.
3. Respondent reported two (2) violations for Fecal Coliform Bacteria of the permitted effluent discharge limits detailed in Part I, Section A of the Permit from August 1, 2018, through September 30, 2021.

The CAO states Albermarle did not achieve final compliance with *P. promelas* Sub-Lethality within three years after the effective date of the Permit.

The CAO provides that Albermarle will comply with the terms, milestone schedule, and final compliance date of May 4, 2023, contained in the TRE Action Plan. The milestone schedule and final compliance date are fully enforceable as terms of the CAO. Further, Albermarle is required to submit quarterly progress reports.

A civil penalty of \$6,500 is assessed which could have been reduced to \$3,200 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](#).