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## Underground Injection Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Bismarck Meat Processing Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and CR Custom Processing, Inc. ("CR") entered into a May 26th Consent Administrative Order ("CAO") addressing alleged violations of Arkansas Pollution Control & Ecology Commission ("APC&EC") Rule 17. See LIS No. 22-064.

The CAO provides that CR operates a slaughterhouse and meat processing facility in Bismarck, Arkansas.

CR is stated to utilize a subsurface leach field treatment system ("Facility").

DEQ is stated to have conducted an inspection of the Facility in response to a public complaint on April 7, 2021. The inspection is stated to have indicated the following violations:

- CR was operating a treatment system without the required permit. This action is a violation of APC&EC Rule 17.401 and is therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).
- Surfacing and runoff of industrial waste from drip dispersal field was observed exiting the site and entering the stormwater drainage ditch of a nearby road. This action is a violation of Ark. Code Ann. § 8-4-217 (a)(2) and is therefore a violation of Ark. Code Ann. § 8-4-217(a)(3).

In response to a DEQ query, CR provided DEQ documentation of repairs made to the field lines. Further, DEQ is stated to have received a new permit application from CR on June 4, 2021, for a No-Discharge Permit for the Facility. CR is further stated to have been notified by DEQ on October 18, 2021, that it had sufficiently addressed the conditions documented in the inspection report.

The CAO requires that CR comply with the requirements of expired permit 5146-W until DEQ makes a final decision on CR's permit application.

The CAO requires certain requirements applicable to the septic tank such as:

- Prevention of surfacing and runoff
- Reporting to DEQ leaks or seeps

CR is required no later than 30 calendar days following the effective date of the CAO to submit to DEQ an evaluation of the septic system and leach field and a certification from an Arkansas Professional Engineer that the design is sufficient to process and treat the industrial waste flow from the Facility during peak usage cycles and is operating according to manufacture design. In the event the design flow is determined to be insufficient to process and treat the industrial waste flow from the Facility during peak usage cycles or corrective actions to prevent surfacing are unsuccessful, no later than 90 days following the effective date of the CAO a Corrective Action Plan ("CAP") with a milestone schedule and final compliance date must be submitted. The approved CAP, milestone schedule, and final compliance date will be enforceable as terms of the CAO.

If a CAP is required, a final compliance report stamped by an Arkansas Professional Engineer certifying that the milestones have been completed and the treatment system is operating compliantly shall be submitted no later than 30 days following the approved final compliance date of the CAP.

A civil penalty of \$2,800 is assessed which could have been reduced to \$1,400 if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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