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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Poinsett County Food Processing Plant Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Riceland Foods, Inc. ("Riceland") entered into a May 19th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 23-036.

The CAO provides that Riceland operates a food processing plant with a sanitary wastewater treatment facility ("Facility") in Poinsett County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary that eventually flows to the White River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports ("DMRs") on September 1, 2022.

The review is stated to have indicated that Riceland reported the following violations of the permitted effluent discharge limits from May 1, 2019, through July 31, 2022:

1. Nine (9) violations of Total Suspended Solids;
2. Six (6) violations of Ammonia Nitrogen; and
3. Two (2) violations of Dissolved Oxygen

DEQ reviewed Riceland's Licensed Operator Register on October 31, 2022. The review is stated to have indicated that Riceland did not have an operator with a Class II Wastewater Operator License at the Facility, violating Part II, Condition I of the Permit.

Pursuant to a November 3, 2022, meeting, Riceland and DEQ are stated to have agreed for the Facility to submit a Corrective Action Plan ("CAP") with a milestone schedule and final compliance date of December 30, 2022. An adequate CAP was submitted on December 16, 2022, with an expected final compliance date

of April 15th. Riceland is stated to be connecting the Facility to the Waldenburg wastewater treatment plant with construction scheduled to commence on January 15, 2023.

Riceland submitted an update of the progress in connecting the Facility to the Waldenburg wastewater treatment plant on March 29th and reported:

- Neighboring property easements secured;
- The pump station and parts have been delivered to the Facility;
- The contractor delayed the initiation of construction as the ground is too wet to begin installation; and
- Riceland will notify DEQ when installation begins.

The CAO provides that within 30 calendar days of its effective date Riceland shall submit to DEQ for review and approval a closure plan for the Facility that has been developed, signed, and stamped by an Arkansas Professional Engineer. Further, within 30 calendar days of completion of the sewer connection project, Riceland is required to submit a certificate of completion, signed and stamped by an Arkansas Professional Engineer. In addition, within 30 calendar days of completion of closure of the Facility, Riceland must submit a certification of closure, signed and stamped by an Arkansas Professional Engineer stating the Facility has been closed in accordance with an approved closure plan and Riceland has submitted a request to terminate the Permit.

The CAO assesses a civil penalty of \$4,000 which could have been reduced by one-half 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](#).