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No-Discharge Permit Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Benton County Industrial Land Application Site Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Denali Water Solutions, LLC (“Denali”) entered into a January 2nd Consent Administrative Order (“CAO”) addressing alleged violations of a No-Discharge Permit (“Permit”). See LIS No. 24-007.

Denali is stated to operate industrial land application sites (“Sites”) in Benton County, Arkansas.

DEQ is stated to have issued a Permit to Denali on October 19, 2016. The Permit is stated to have expired on October 21, 2021.

Part III, Condition 23 of the Permit requires Denali to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date.

Denali is stated to intend to operate the facility beyond the expiration date of the current Permit.

DEQ is stated to have received a Permit renewal application from Denali on May 27, 2021. The Permit renewal application was deemed administratively complete by DEQ on April 12, 2021. However, because the complete renewal application was not received by May 4, 2021, this is alleged to constitute a failure to submit the complete Permit renewal application by May 4, 2021, and a violation of Part III, Condition 23 of the Permit.

Denali was notified of certain technical deficiencies in the Permit to which it responded to DEQ on November 15, 2021.

DEQ is stated to have received a 2021 Annual Report for the Permit on April 29, 2022.

The CAO provides that the Annual Report indicated that certain land application took place under the expired Permit. In addition, the CAO states there was a failure to monitor certain waste streams before the first application of waste for the calendar year constituting violations of Part I, Table 1 of the Permit.

Further, the CAO provides that Denali did not indicate in the 2021 Annual Report that lime application is required by Part I, Table II, Footnote 1 of the Permit, violating Part 1, Table II of the Permit.

A revised 2021 Annual Report was submitted on November 20, 2022, by Denali to DEQ with certain corrections.

Denali neither admits nor denies the truth or falsity of any of the CAO's Findings of Fact, allegations or issues currently in dispute.

The CAO requires that Denali comply with the existing Permit until the effective date of the final decision on its Permit renewal application unless Denali provides written notice to DEQ that it does not seek to renew the Permit.

Further, within 30 calendar days of the effective date of the CAO, Denali is required to submit to DEQ a sampling and analysis plan that describes the process that Denali will use to ensure that all waste sources and land application Sites are monitored annually in accordance with the terms of the Permit.

In addition, within 60 calendar days of the effective date of the CAO, Denali is required to submit to DEQ a plan that describes the process it will use to ensure that documentation submitted to DEQ demonstrates that fields with pH results of 5.7 or less have lime applied and the pH of the soil has been raised to 6.0 or higher before land application occurs.

An Annual Report for 2023 in compliance with the conditions in the expired Permit shall be submitted. Further, Denali is required to submit a separate Annual Report for 2024 in compliance with the conditions in the expired Period for the period beginning January 1, 2024, until the effective date of the final decision on Denali's permit renewal application, unless Denali provides written notice to DEQ that it does not seek to renew the Permit.

A civil penalty of \$12,000 is assessed.

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