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# Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Saline County Industrial/Domestic Wastewater Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Landers BCO, LLC (“Landers”) entered into a May 31st Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 24-099.

The CAO provides that Landers operates a minor industrial domestic wastewater treatment facility in Benton, Arkansas (“Facility”).

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

DEQ is stated to have conducted a compliance evaluation inspection of the Facility on February 8, 2022. The inspection is stated to have identified the following violations:

- Conditions demonstrating failure to operate and maintain the Facility adequately.
- Flow was not being measured at the discharge point.
- Total Residual Chlorine was not being sampled and reported as required by the NPDES Permit.

DEQ and Landers corresponded regarding the inspection. Landers issued an additional response indicating it was working to complete the corrective actions for the violations and that a timeline for scheduled repairs would be submitted by February 17, 2023. Landers is stated to have not submitted the follow-up response and timeline for repairs.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Landers. The review is stated to have identified the following violations:

- Nine (9) violations of Carbonaceous Biochemical Oxygen Demand.
- Seven (7) violations of Fecal Coliform Bacteria.

- Three (3) violations of Total Suspended Solids.
- One (1) violation of Ammonia Nitrogen.

The review of the DMRs is also stated to indicate that Landers failed to submit a Non-Compliance Report (“NCR”) for each effluent violation reported during the monitoring period ending September 30, 2022. Landers is also stated to have failed to submit DMRs by the date for the following three monitoring periods:

- 2020: October.
- 2021: August.
- 2022: September.

Landers is also stated to have failed to conduct analysis for the monitoring periods ending March 31, 2022, and March 31, 2023.

Landers notified DEQ on January 24th that the DMR report for December 2023 would be late due to technical issues.

The CAO requires that within 30 calendar days of its effective date, Landers submit to DEQ for review and approval a Comprehensive Corrective Action Plan developed by an Arkansas Professional Engineer which shall include at a minimum an assessment of the feasibility of connecting to the City of Benton’s sanitary sewer and the methods and best available technologies that will be used to correct the referenced violations and prevent future violations. A reasonable milestone schedule is required with a date of final compliance no later than December 31, 2025.

Quarterly performance reports are also required.

The CAO also requires that Landers correct the referenced violations including submission of DMRs and completion of NCRs.

A civil penalty of \$9,500.00 is assessed which could have been reduced by one half 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](#).