



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Stormwater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Atkins Chicken Processing Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Twin Rivers Foods, Inc. (“Twin Rivers”) entered into a July 18th Consent Administrative Order (“CAO”) addressing an alleged Clean Water Act violation. See LIS No. 24-116.

The CAO provides that Twin Rivers operates a chicken processing facility (“Facility”) in Atkins, Arkansas.

The Facility is stated to discharge stormwater to White Oak Creek.

The Atkins Facility’s stormwater discharges are stated to be an industrial activity pursuant to the DEQ Industrial Stormwater General Permit (“Permit”).

DEQ is stated to have undertaken an investigation of a Twin Rivers Facility discharge into White Oak Creek on May 26, 2023. The DEQ inspection allegedly determined the following:

- The Facility is operating without an NPDES Industrial Stormwater General Permit.
- An unpermitted discharge into White Oak Creek was occurring in violation of the Arkansas Water and Air Pollution Control Act.

DEQ is stated to have notified Twin Rivers of the results of its inspection. Twin Rivers subsequently responded to a DEQ notification on July 2, 2023 and indicated that all materials needed to obtain the Industrial Stormwater General Permit had been submitted.

Twin Rivers is stated to have subsequently submitted a Notice of Intent, Stormwater Pollution Prevention Plan, and drainage maps needed to obtain Industrial Stormwater General Permit coverage. Such coverage was issued to Twin Rivers on June 20th.

Twin Rivers submitted a response to a proposed CAO on February 5th which stated that its consulting engineers developed a Stormwater Pollution Prevention Plan and conducted a piping survey at the Facility. The piping survey is stated to have determined which drains convey wastewater to the onsite wastewater treatment plant and which discharged stormwater only. The Twin Rivers’ wastewater treatment plant discharges to the City of Atkins wastewater treatment plant. The piping survey is stated

to have determined that the green pipe in the White Oak Creek identified by the specs reports was discharging stormwater.

The CAO requires that within 60 calendar days of its effective date, Twin Rivers submit to DEQ a Corrective Action Progress Report including photographs documenting best management practices that have been implemented. Further, stormwater samples are required to be collected and analyzed from certain outfalls.

A civil penalty of \$3,600.00 is assessed.

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