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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Saline County Truck Stop Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“ADEQ”) and Al’s Truck Stop of Malvern, Inc. (“Al’s”) entered into an April 30th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 24-080.

The CAO provides that Al’s operates a domestic wastewater and wastewater treatment facility (“Facility”) in Saline County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed ditch which eventually flows to the Saline River. Such discharge is regulated pursuant to an NPDES Permit.

Part III, Section D, Condition 10 of the NPDES Permit requires that Al’s submit a complete Permit renewal application at least 180 days prior to its expiration date if the activity regulated by the Permit is to continue after the expiration date. Al’s intends to operate the Facility beyond the expiration date.

Al’s is stated to have submitted an NPDES Permit renewal application on June 30th. DEQ subsequently notified Al’s that its application was incomplete.

A complete Permit renewal application was submitted to DEQ on July 18, 2023. Nevertheless, because the complete Permit renewal application was not received by July 4, 2023, this constituted a violation of Part III, Section D, Condition 10 of the NPDES Permit.

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

1. Seventeen (17) violations of Ammonia Nitrogen;
2. Six (6) violations of Dissolved Oxygen;
3. Four (4) violations of Fecal Coliform Bacteria;
4. Two (2) violations of Carbonaceous Biochemical Oxygen Demand; and

5. Two (2) violations of pH.

In addition, the CAO provides that AI's failed to submit DMRs by the due date for 27 monitoring periods. Also, AI's is stated to have failed to conduct analysis for Nitrogen Ammonia for the monitoring period ending October 31, 2022.

DEQ is also stated to have determined that the license wastewater operator listed on the Permit renewal application did not have the wastewater license level required by the NPDES Permit. A Class III municipal wastewater operator licensed in the state of Arkansas was required.

The CAO requires that the Facility comply with the existing NPDES Permit until either the effective date of the Permit renewal or the effective date of the Permit termination. In addition, within 30 calendar days of the effective date of the CAO, AI's must submit to DEQ for review and approval a comprehensive Corrective Action Plan developed by an Arkansas Professional Engineer which shall include at a minimum, the methods and best available technologies that will be used to correct the alleged violations and prevent future violations. A reasonable milestone schedule must also be included.

The CAO requires that AI's provide documentation that the Facility has a wastewater operator who holds a minimum of a Class III municipal wastewater license in the state of Arkansas within 30 calendar days of the effective date.

A civil penalty of \$8,350.00 is assessed of which one half is suspended if the CAO is signed and returned to DEQ within 20 calendar days of its receipt. Further, if AI's fully complies with the terms of the CAO, the suspended civil penalty shall be dismissed.

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