

Wastewater Enforcement: Arkansas Department of Environmental Quality and Grant County, Arkansas Wastewater Treatment Facility Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and Sheridan White Rock, Inc. (“SWRI”) entered into a July 24th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 18-069.

The facility is stated to discharge treated wastewater to an unnamed tributary and eventually to the Ouachita River Basin.

The facility’s discharge is regulated pursuant to a Clean Water Act NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit is stated to require SWRI to submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if the activity regulated is to continue after the expiration date. SWRI is stated to be intent on continuing to operate the facility beyond the expiration date of the current permit, June 30, 2018.

SWRI is stated to have been notified on July 6, 2017 and October 2, 2017, that the NPDES permit would expire on June 30th, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than January 1, 2018.

ADEQ is stated to have received the facility’s application for renewal of the NPDES permit on December 29, 2017, with additional information received on February 5, 2018. The NPDES permit application was deemed administratively complete on February 9, 2018.

SWRI is stated to have failed to submit a complete NPDES permit renewal application by January, 2018. Such alleged failure is a violation of Part III, Section D, Condition 10 of the NPDES permit.

ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) on April 16, 2018. The DMRs were submitted in accordance with the requirements of the NPDES permit.

ADEQ’s review of the DRMs allegedly indicated that the facility reported the following violations of the permitted effluent discharge limits detailed in Part I, Section A of the NPDES permit from March 1, 2015 through March 31, 2018:

1. Eight violations for chemical Oxygen Demand;

2. One violation for pH; and
3. Nine violations of Total Suspended Solids

The CAO requires that SWRI comply with the existing NPDES permit until either the effective date of its renewal or the effective date of its termination. Further, within 30 calendar days of the effective date of the CAO, SWRI is required to submit to ADEQ, for review and approval, a comprehensive Corrective Action Plan ("CAP") developed by a Professional Engineer licensed in the State of Arkansas. Such CAP is required to detail the methods and available technologies that will be used to correct the violations listed in Paragraph 16 of the CAO's Findings of Fact, prevent future violations, and include a reasonable milestone schedule with a date of final compliance of June 30, 2019. Upon ADEQ's approval of the CAP, SWRI is required to comply with the terms, milestone schedule, and final compliance date of June 30, 2019. Such milestone schedule and final compliance date become fully enforceable as terms of the CAO. Further, periodic reporting is specified by the CAO.

A civil penalty of \$3,000 is assessed, of which \$1,500 is conditionally suspended. Payment of \$1,500 is due within 30 calendar days of the effective date of the CAO.

The suspension and dismissal of \$1,500 was dependent upon SWRI fully complying with the CAO.

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