

# Land Application/Water Enforcement: Arkansas Department of Environmental Quality and Miller County, Arkansas Facility Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEC”) and Jiles Clay Smith d/b/a S & S Farms (“S & S”) entered into an August 31st Consent Administrative Order (“CAO”) addressing alleged violations of a No-Discharge Water Permit (5189-W)(“Permit”). See LIS No. 18-079.

The CAO provides that S & S:

- . . . is authorized to land apply industrial waste and discharge of stormwater associated with industrial activity at its facility (“facility”) located at 2177 Miller County Road 53, Texarkana, Miller County, Arkansas.
- . . . operates the facility pursuant to No Discharge Water Permit 5189-W (“No Discharge Permit”) issued to Respondent on October 29, 2013.

ADEC is also stated to have issued a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Industrial Stormwater General Permit (“Stormwater Permit”) to the facility.

ADEC conducted a compliance inspection of the facility on July 12, 2016. The inspection is stated to have indicated:

- Failure to submit the Annual Reports for 2013, 2014, and 2015
- Failure to conduct the required waste and soil analysis since the effective date of the No Discharge Permit
- Addition of two storage tanks for grease storage at the facility and failure to update the Storm Water Pollution Prevention Plan to reflect the addition
- Two grease storage tanks previously referenced are located outside the secondary containment area, and S & S has not taken proper measures to minimize exposure of grease to stormwater

S & S is stated to have submitted to ADEC on October 13, 2016, soil sample analysis results. Further, S & S is stated to have submitted on October 26, 2016, waste sample analysis results to the agency.

The CAO discusses the potential expiration of the Permit and a request for a 30-day extension to submit a permit renewal application. A renewal application was subsequently submitted on June 1, 2018.

Annual Reports are stated to have not been submitted for 2016 and 2017 for the facility.

The CAO requires S & S to:

- Conduct all required sampling and submit all annual reports in accordance with the Permit
- Within 30 calendar days of the effective date of the CAO, submit Annual Reports for 2013, 2014, 2015, 2016, and 2017
- Within 30 calendar days of the effective date of the CAO, update the Stormwater Pollution Prevention Plan to reflect the addition of the grease storage tanks previously referenced
- Within 30 calendar days of the effective date of the CAO, submit to ADEQ photographs depicting adequate secondary containment area to encompass the grease storage tanks or move the tanks to the existing secondary containment area (and remediation of the area where spilled grease was observed)

The CAO assesses a civil penalty of \$18,950, which could be reduced by one-half if the document was signed and returned to the agency within 20 calendar days of the receipt of the CAO.

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