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Wastewater Enforcement: Arkansas Department of Environmental Quality and Columbia County Community Enter Into Consent Administrative Order to Address Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and the City of Waldo, Arkansas ("City") entered into a December 8th Consent Administrative Order ("CAO") addressing alleged wastewater related violations.

The City is stated to operate a Wastewater Treatment Plant ("Plant") in Columbia County, Arkansas pursuant to a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit issued by ADEQ.

ADEQ is alleged to have conducted a March 3, 2015 complaint inspection of the Plant based on an Arkansas Department of Health notification that the Plant's wastewater treatment pond was overflowing into Beech Creek, which flows into Lake Columbia. ADEQ inspection of the Plant allegedly revealed violations which included (paraphrasing):

- Overflow due to a malfunctioning pump that was not adequately delivering water from the stabilization pond to the gravel filter beds (violating the NPDES permit)
- Overflow of the Plant's stabilization pond entering into a ditch that traveled to Beech Creek and into Lake Columbia
- Insufficient freeboard (estimated less than 6 inches) in the wastewater lagoon (violation of NPDES permit)

The City is stated to have hired an engineering firm to assist in the management of the Plant.

ADEQ conducted a subsequent inspection and allegedly determined that the unpermitted discharge was "persistent" (however, the flow was subsiding).

An ADEQ inspection allegedly identified additional overflow issues to which City immediately undertook measures to reduce the flow into the filter beds which included utilization of packed sand bags to stop the overflow.

An inspection review of Plant Discharge Monitoring Reports noted eight violations of NPDES effluent limits of five pollutants from April 2012 – May 2015, which included:

- Ammonia Nitrogen

- Carbonaceous Biochemical Oxygen Demand
- Total Suspended Solids
- Dissolved Oxygen
- pH

The CAO states that as of March 20, 2015 the unpermitted discharges were reported to have ceased.

The CAO requires that City either immediately comply with all permitted effluent limits unless a Corrective Action Plan is submitted and approved by ADEQ which then provides an extension until September 30, 2016.

City agreed to pay a civil penalty of \$5,700 if the CAO was signed and returned to ADEQ by November 12th.

[Click here to download a copy of the CAO.](#)