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Wastewater Enforcement: Arkansas Department of Environmental Quality and City of Hughes, Arkansas enter into a 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 Hughes, Arkansas ("City") entered into a May 6th Consent Administrative Order ("CAO") addressing alleged Clean Water Act violations. See LIS No. 16-039.

The City of Hughes operates a wastewater treatment plant ("Plant") pursuant to a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit.

The CAO provides that on February 20, 2015 ADEQ conducted a review of the Plant's Discharge Monitoring Reports. Thereafter, the agency sent the City a letter requesting a Corrective Action Plan ("CAP"). The CAP was required to include a milestone schedule and final date for compliance to address alleged effluent violations.

A CAP was stated to have been prepared (outlining deficiencies and cost-estimates of associated repairs). During a subsequent meeting with ADEQ the document was reviewed. A revised CAP which included a milestone schedule was subsequently submitted. However, due to actions required to obtain repair funding a later compliance date of June 15, 2018 was identified.

ADEQ subsequently approved the CAP.

The CAO lists Discharge Monitoring Report violations from January 1, 2013 through December 31, 2015 which were alleged to include:

- Twenty-one (21) violations of Total Suspended Solids
- Three (3) violations for Dissolved Oxygen

The CAO requires that the City of Hughes:

- ... immediately implement Best Management Practices to operate the existing treatment system
- Comply with Arkansas Pollution Control & Ecology Commission Regulation 6.202 (which covers application requirements for construction and operation of wastewater facilities) in upgrading the Plant
- Achieve full compliance with the permitted effluent limits by June 30, 2018

- Submit to ADEQ a report certified by a Professional Engineer registered in the State of Arkansas stating that the facility is in compliance with the permitted effluent limits no later than June 30, 2018
- Implement and comply with the terms and milestone schedule contained in the CAP.
- Submit quarterly progress reports to ADEQ detailing the work completed as outlined in the approved CAP to achieve compliance with the permitted effluent limits (pursuant to a referenced schedule)

The City of Hughes agrees to a civil penalty of \$3,200.00, or one half of the full civil penalty of \$1,600.00 if the CAO is signed and returned to ADEQ prior to April 13, 2016.

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