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## Wastewater Enforcement: Arkansas Department of Environmental Quality and Hot Springs, Arkansas Wastewater Treatment Plant Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Westwood Village Sewer Facilities Board (“Board”) entered into an October 23rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 17-084.

The CAO provides that the Board operates a wastewater treatment plant (“Facility”) in Hot Springs, Arkansas.

The Facility discharges treated wastewater to Lake Hamilton and eventually to Segment 2F of the Ouachita River Basin. Such discharge is authorized pursuant to an NPDES permit.

ADEQ is stated to have sent a September 28, 2015, letter to the Board addressing a deficient Discharge Monitoring Report (“DMR”) and a Non-Compliance Report (“NCR”) for the reporting period August 31, 2015. The Board submitted the DMRs and NCRs to ADEQ on October 11, 2016.

On October 11, 2016, ADEQ and the Board are stated to have addressed the Facility’s effluent violations, Sanitary Sewer Overflow (“SSO”) violations and previous CAOs. This discussion included the Board’s planned efforts to bring the Facility into compliance with NPDES permit limits.

ADEQ is stated to have conducted a review of the Facility’s DMRs on October 21, 2016. The agency’s review allegedly identified violations of the permitted effluent discharge limits from August 1, 2014 through July 31, 2017 which included:

1. Twenty-eight (28) violations for Carbonaceous Biochemical Oxygen Demand (CBOD5)
2. Thirty-one (31) violations for Fecal Coliform Bacteria
3. Thirty-two (32) violations for Ammonia Nitrogen (NH3-N)
4. One (1) violation for Dissolved Oxygen
5. Two (2) violations for pH
6. Thirty (30) violations for Total Suspended Solids

ADEQ is stated to have conducted a review of the SSO reports submitted by the Facility for the period January 1, 2013 through October 31, 2016. This review allegedly indicated that the Facility reported six SSOs totaling more than 50,650 gallons.

ADEQ requested through a November 2, 2016, letter that the Board consult with a Professional Engineer ("PE") to develop a new Corrective Action Plan ("CAP") to address effluent and SSO violations. The CAP provided to ADEQ is stated to have lacked a comprehensive discussion of effluent violations over the past three years, a milestone schedule, and a proposed final compliance date for the project to meet permit limit requirements.

A revised CAP was provided to ADEQ on February 8, 2017 and subsequently approved by the agency. The revised CAP has a final compliance date of December 31, 2018.

The CAO provides that upon the effective date of the document, the CAP, milestone schedule, and final compliance date of December 31, 2018 are enforceable as terms of the CAO. Further, within 30 days of the effective date of the CAO, and each quarter thereafter for a period lasting until the CAO is closed, the Facility is required to submit quarterly progress reports detailing the progress made toward correcting the violations alleged in the Findings of Fact.

On or before January 31, 2019, the Board is required to provide written certification to ADEQ that the violations in the alleged Findings of Fact have been corrected and the Facility is in compliance with the requirements of its permit as of December 31, 2018.

A civil penalty of \$3,950 is assessed.

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