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Wastewater Enforcement: Arkansas Department of Environmental Quality and City of Mountain Pine Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality ("ADEQ") and City of Mountain Pine, Arkansas, ("City") entered into an April 5th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit. See LIS No. 18-034.

City is stated to operate a wastewater treatment facility ("Facility") that discharges treated wastewater that eventually flows to Segment 2F of the Ouachita River Basin.

The Facility is regulated pursuant to a Clean Water Act NPDES permit.

ADEQ is stated to have conducted a compliance evaluation inspection and SSO/Collection System Inspection of the Facility on November 3, 2016. The inspection is stated to have revealed the following:

- The secondary flow measurement instrument has not been maintained to measure within 10% of the true discharge.
- Discharge Monitoring Reports ("DMRs") have not been submitted for July 2016 and August 2016
- Inflow and Infiltration issues identified in the December 2015 Corrective Action Plan ("CAP") had not been evaluated or corrected by the dates given in the CAP.
- Names of persons responsible for maintaining the satellite systems had not been determined
- The effluent and receiving stream were documented on page 12 of the inspection report as being green in color

The CAO states that ADEQ eventually received a sufficient response from City addressing the violations cited in the inspection report.

ADEQ conducted a review of certified DMRs submitted by City in accordance with the NPDES permit. The review allegedly revealed that City reported the following violations of the permitted effluent discharge limits detailed in Part I, Section A of the Permit from January 1, 2015, through January 31, 2018:

- Six violations for BOD, 5-day
- Five violations for pH
- Six violations for fecal coliform
- Four violations for Carbonaceous BOD

ADEQ is stated to have conducted a review of the Sanitary Sewer Overflow Reports (“SSOs”) submitted in accordance with the NPDES permit for the period of January 1, 2015, through January 31, 2018. The review allegedly revealed that City reported 22 SSOs.

City submitted on October 20, 2017, the Smoke Test Report detailing the results of the smoke testing conducted by Arkansas Rural Water Association on May 23, 2017.

ADEQ and City are stated to have met on October 31, 2017, to discuss:

- Continuing effluent violations
- Collection system rehabilitation progress
- Corrective actions to address the facility’s violations

The CAO requires that within 30 calendar days of the effective date of the CAO, City submit to ADEQ, for review and approval, a comprehensive CAP developed by a Professional Engineer licensed in the state of Arkansas. The CAP is required to include a number of items, including a milestone schedule.

City is also required within 90 days of the effective date of the CAO to submit to ADEQ, for review and approval, a comprehensive Sanitary Sewer Flow Monitoring and Infiltration and Inflow Study developed by a professional engineer licensed in the state of Arkansas. It also requires a milestone schedule and a number of other components.

Monthly reporting is required on or before the 15th day of the month following the effective date of the CAO and each quarter thereafter for a period lasting until the CAO is closed which will include progress reports detailing the progress that has been made towards compliance with final permitted effluent limits. City is required to submit a final compliance report by January 31, 2021.

The CAO assesses a civil penalty of \$4,400 which could be reduced by one-half if the CAO was signed and returned to ADEQ within 20 days of City’s receipt of the CAO.

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