

Wastewater Enforcement: Arkansas Department of Environmental Quality and Oak Grove Heights, Arkansas Enter into Consent Administrative Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

04/26/2018

The Arkansas Department of Environmental Quality (“ADEQ”) and City of Oak Grove Heights, 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. 18-035.

The City is stated to operate a wastewater treatment plant (“Plant”) in Greene County, Arkansas.

The Plant is regulated pursuant to an NPDES Permit.

The Plant is stated to discharge to an unnamed tributary of Locust Creek and eventually to the St. Francis River.

ADEQ is stated to have requested a Corrective Action Plan (“CAP”) from City on November 18, 2014, to resolve reported effluent violations. The CAP was stated to have been expected to have a milestone schedule with dates and a final date of compliance.

City is stated to have submitted a CAP on February 15, 2015, that would include the repair of aerators and cleaning the chlorine contact chamber (which would correct effluent violations).

A letter is stated to have been submitted on March 7, 2015, from an engineering firm requesting “a couple of months” to monitor the facility before certifying the Plant as in compliance.

ADEQ is stated to have proposed a draft CAO to the City on December 29, 2015, to resolve the alleged violations.

A meeting is stated to have been held on January 19, 2016, between ADEQ and City. City is stated to have detailed steps taken toward achieving compliance with the NPDES Permit, which included:

- Sludge depth analysis
- Smoke testing

A revised CAP to be developed by a Professional Engineer was requested by ADEQ on December 12, 2016. The revised CAP was to contain a milestone schedule. The CAP was approved by ADEQ on February 28, 2017.

ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) on January 24, 2018. The agency’s review allegedly revealed that City reported the following violations of the permitted effluent discharge limits from December 1, 2013, through December 31, 2016:

- Five violations for Carbonaceous BOD
- Five violations for Ammonia Nitrogen
- Four violations of pH; and
- 33 violations for Total Suspended Solids

ADEQ is stated to have conducted a file review on January 24, 2018, of Sanitary Sewer Overflow reports submitted by the facility in accordance with the NPDES Permit for the period of December 31, 2013 through December 31, 2016. Thirty-four Sanitary Sewer Overflows are alleged to have occurred.

The CAO requires that City achieve final compliance with the terms of the Permit no later than February 28, 2019. Further, City is required to comply with the terms and milestone schedule contained in the approved CAP and final compliance date of February 28, 2019. The approved CAP, milestone schedule, and final compliance date of February 28, 2019 are deemed fully enforceable as terms of the CAO.

Quarterly reports detailing progress are required.

The CAO also requires that within 12 months of the effective date of the CAO, City submit to ADEQ for review and approval a Sewer System Evaluation Study. The overall goal is stated to be the elimination of capacity and non-capacity related Sanitary Sewer Overflows.

Included within the Sewer System Evaluation Study will be an SSO Plan with a milestone schedule. The SSO Plan and milestone schedule are incorporated into the CAO by reference. Progress reports are required.

The CAO assesses a civil penalty of \$1,750.

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