

Wastewater Enforcement: Arkansas Department of Environmental Quality and Kensett, Arkansas Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Kensett, Arkansas (“Kensett”) entered into a September 14th Consent Administrative Order (“CAO”) to address alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See Lis No. 18-083.

The CAO provides that Kensett operates a wastewater treatment plant (“Facility”) which discharges treated wastewater to Black Creek that eventually flows to the White River Basin.

The Facility is stated to be regulated pursuant to an NPDES permit.

ADEQ is stated to have conducted a review of Certified Discharge Monitoring Reports (“DMRs”) submitted by Kensett. This review is stated to have been conducted by the agency on March 20, 2017.

The review of the DMRs is stated to have indicated certain permitted effluent discharge limit violations from February 1, 2014, through January 31, 2017, which include:

1. Twenty-three (23) violations for Ammonia Nitrogen;
2. Twenty-one (21) violations for Total Suspended Solids;
3. Three (3) violations for Carbonaceous Biochemical Oxygen Demand; and
4. Two (2) violations for pH.

ADEQ is stated to have sent Kensett a letter requesting a Corrective Action Plan (“CAP”) on March 21, 2017, to address the alleged violations. The CAP was required to have a milestone schedule and a final date of compliance and be certified by a Professional Engineer licensed in the State of Arkansas.

Kensett submitted a CAP to ADEQ on April 12, 2017, with a final compliance date of November 1, 2017. ADEQ approved the CAP on April 17, 2017.

An ADEQ follow-up review of the DMRs was conducted by the agency on July 2, 2018, which indicated the following alleged violations:

1. Twenty (20) violations for Ammonia Nitrogen;
2. Eighteen (18) violations for Total Suspended Solids;

3. Five (5) violations for Carbonaceous Biochemical Oxygen Demand;
4. Four (4) violations for Fecal Coliform; and
5. One (1) violation for Dissolved Oxygen

The CAO requires that within 30 days of the effective date of the CAO Kensett submit to ADEQ for review and approval an updated CAP developed by a Professional Engineer licensed in the State of Arkansas. A reasonable milestone schedule is required to be included with a final compliance date no later than December 1, 2019. The document is required to detail the methods and best available technologies used to correct the previously identified alleged violations. Once approved by the agency, it is incorporated into the CAO as an enforceable document. Quarterly progress reports requiring the submission of certain information must also be provided.

The CAO assesses a civil penalty of \$4,200, which could have been reduced to one-half if the document was returned to ADEQ within 20 calendar days of its receipt by Kensett.

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