

## Wastewater Enforcement: Arkansas Department of Environmental Quality and City of Danville, Arkansas Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Danville, Arkansas (“City”) entered into a July 31st Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-067.

The CAO provides that the City operates a municipal wastewater treatment facility (“Facility”) in Yell County, Arkansas.

The Facility is stated to discharge treated wastewater to the Petit Jean River that eventually flows to the Arkansas River Basin. Such discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit is stated to require the City to submit a complete permit renewal application at least 180 days prior to the expiration of the permit if the activity regulated by the permit is to continue after the expiration date. The City is stated to intend to operate the Facility beyond the expiration date of the current NPDES permit (i.e., May 31, 2019).

ADEQ is stated to have notified City on June 7, 2018, and September 5, 2018, that the NPDES permit would expire on May 31, 2019, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than December 2, 2018.

The agency received an incomplete NPDES permit renewal on November 20, 2018, from the City. ADEQ notified the City that the renewal application was incomplete.

The City responded by submitting additional information on December 2, 2018, and January 3, 2019. As a result, ADEQ notified the City that its renewal application was administratively complete.

The CAO provides that the complete NPDES permit renewal application was not received by December 2, 2018, and constituted a failure to submit such permit renewal application by December 2, 2018. This is alleged to be a violation of Part III, Section D, Condition 10 of the NPDES permit.

ADEQ is stated to have conducted a review of Certified Discharge Monitoring Reports submitted by the City in accordance with the NPDES permit. Such review is stated to have indicated the following violations of the effluent discharge limits detailed in Part I, Section A of the NPDES permit from January 1, 2016, through January 31, 2019:

1. Five (5) violations for Fecal Coliform;

2. Six (6) violations for Total Suspended Solids; and
3. One (1) violation for Dissolved Oxygen.

The CAO provides that the City shall comply with the existing NPDES permit until either the effective date of the NPDES permit renewal or the effective date of the NPDES permit termination. Further, the City is required to immediately comply with all permitted effluent limits, unless a Corrective Action Plan is submitted, as provided in Paragraph 4 of the CAO, and is approved by ADEQ in which case the City shall comply with all permitted effluent limits no later than December 31, 2019.

In the event the City is unable to comply with all permitted effluent limits, it is required within 30 days of the effective date of the document to submit to ADEQ for review and approval a Comprehensive Corrective Action Plan developed by a Professional Engineer licensed in the State of Arkansas. The Corrective Action Plan is required to include, at a minimum the methods and best available technologies that would be used to correct the violations previously listed and prevent future violations and include a reasonable milestone schedule with a date of final compliance no later than December 31, 2019. Upon review and approval by ADEQ, the City is required to comply with the terms, milestone schedule, and final compliance date contained in the approved Corrective Action Plan. The City further has an obligation to submit quarterly progress reports.

The CAO assesses a civil penalty of \$2,400 which could have been reduced by \$1,200 if the document was signed and returned to ADEQ within 20 calendar days of receipt of the CAO.

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