

## UIC/Wastewater Enforcement: Arkansas Department of Energy and Environment Notice of Violation to Bethel Heights, Arkansas



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The Arkansas Department of Energy and Environment ("ADEE") issued an August 16th Notice of Violation ("NOV") to the City of Bethel Heights, Arkansas ("Bethel Heights"). See LIS No. 19-070.

The NOV addresses alleged violations of a No-Discharge Permit issued pursuant to the authority of Arkansas Pollution Control and Ecology Commission Regulation No. 17 (Arkansas Underground Injection Control Code).

Bethel Heights is stated to operate a decentralized wastewater treatment system ("System") pursuant to a No-Discharge Permit (4725-WR-5). The permit addresses treatment systems that include drip irrigation dispersal fields.

The Bethel Heights System is described as consisting of a:

. . . septic tank pumped effluent (STEP) sewer collection system that flows to one of two (2) wastewater treatment units. Each wastewater treatment unit is designed to distribute the effluent to the subsurface via the adjacent drip irrigation system. The Lincoln Street wastewater treatment unit ("Lincoln WWTU") is located on eleven (11) acres and includes Phases 1, 2, and 3 of Respondent's drip irrigation fields. The North Oak Street wastewater treatment Unit ("North Oak WWTU") is located on ten (10) acres and includes Phase 4, subdivided into Phase 4a and Phase 4b, of Respondent's drip irrigation fields.

The drip irrigation dispersal fields at the Lincoln wastewater treatment unit are stated to have, based on the topography:

. . . ponding or pooling water from Phase 1-3 drip irrigation fields can flow through the natural drainages present to an unnamed tributary of Puppy Creek, thence to Puppy Creek, thence to Spring Creek, thence to the Illinois River.

Described in the NOV are previous actions that Bethel Heights has taken pursuant to a Consent Administrative Order, including improvements to the wastewater treatment system.

ADEE inspections are stated to have taken place on February 4, 2019, (including a February 12, 2019 and May 16, 2019 follow-up compliance evaluation inspections). The initial inspection and follow-ups are stated to have identified alleged violations.

The NOV references a review conducted by ADEE of Bethel Heights' monthly monitoring reports from January 1, 2019 through June 30, 2019. Certain violations are alleged to have been identified.

ADEE is stated to have conducted a sampling inspection of the System in response to reports of surfacing wastewater and complaints. Exceedances of the Permit's effluent limitations are stated to have been identified. Further, on August 2, 2019, Bethel Heights has submitted analytical results from samples taken from areas with surfacing in the drip irrigation fields. Elevated levels of certain constituents are stated to have identified.

The NOV also addresses an alleged reporting issue. It states that a review of certain analytical reports from described dates did not reflect all of the results from Bethel Heights' 2019 analytical reports.

Finally, Bethel Heights' submission of a Corrective Action Plan is alleged to be inadequate and not fulfill minimal requirements of a May 6th ADEE letter.

The NOV requires that Bethel Heights take all action necessary to comply with the applicable Permit. Further, a total civil penalty of \$101,200 is assessed.

A copy of the NOV (without exhibits) can be downloaded [here](#).