

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



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

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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Atkins, Arkansas (“City”) entered into an August 22nd Consent Administrative Order (“CAO”) addressing alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-074.

The CAO provides that the City operates a municipal wastewater treatment plant in Atkins, Arkansas.

The Plant is stated to discharge treated wastewater from its South facility to Horsehead Branch, that eventually moves to the Arkansas River Basin. The Plant also discharges treated wastewater from its North facility into the Arkansas River in Segment 3F of the Arkansas River Basin. The discharges are regulated by an NPDES permit.

ADEQ is stated to have conducted a review of sanitary sewer overflows (“SSOs”) on April 27, 2018, reported by the City in accordance with the North and South NPDES permits during March 1, 2013 through April 25, 2018. The review is stated to have identified the following violations:

1. City reported nine unpermitted discharges totaling more than 3,000,000 gallons of partially treated or untreated wastewater from the equalization basin levee at the South Facility.
2. City reported 3 SSOs from the South Facility collection system totaling 5,500 gallons of untreated wastewater.
3. City reported one unpermitted discharge of more than 300,000 gallons of partially treated or untreated wastewater from the lower pond of the North Facility.
4. City reported 15 SSOs from the North Facility collection system totaling more than 266,000 gallons of partially treated or untreated wastewater.

ADEQ is stated to have sent a letter to the City on April 27, 2018, requesting a Correction Action Plan (“CAP”) to address the SSOs and treatment bypasses. The City and its engineers subsequently met with the agency.

The City is stated to have submitted a bypass report for the South Facility to ADEQ on July 26, 2018. Further, the City submitted a CAP with a compliance date of December 31, 2029. The milestones in the CAP were approved by ADEQ except for the final date of compliance (along with additional conditions).

Quarterly progress reports have also been submitted.

The CAO requires that the City comply with the approved CAP, including additional conditions detailed by ADEQ, on August 20, 2018. The City is required to submit to ADEQ for review and approval a revised Sanitary Sewer Survey and Evaluation Study (“SSSES”) stamped by an Arkansas Professional Engineer. Such study is required to be used to provide a Sanitary Sewer Remediation Plan (“SSRP”) that will detail the methods and best available technologies used to correct the violations listed in Findings of Fact Paragraph 14 and include a milestone schedule and compliance date for remediating the collection systems, reducing inflow and infiltration, eliminating the causes of the Facilities' bypasses and SSOs, and preventing future violations.

The SSRP is required to be submitted to ADEQ for review and approval on or before June 30, 2020.

Once approved, the SSRP is required to be complied with by the City in terms of the milestone schedule and final compliance date.

Quarterly reports are also required and a final compliance report certified and stamped by an Arkansas Professional Engineer by the final compliance date.

A civil penalty of \$1,600 is assessed.

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