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Wastewater Enforcement: Arkansas Department of Environment and Energy, Division of Environmental Quality and City of Humphrey, Arkansas Enter into Consent Administrative Order

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The Arkansas Department of Environment and Energy, Division of Environmental Quality (“DEQ”) and the City of Humphrey, Arkansas (“City”) entered into a September 27th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-089.

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

The Facility is stated to discharge treated wastewater into an unnamed ditch that eventually flows to the Arkansas River. Such discharge is authorized pursuant to an NPDES permit (“Permit”).

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by the City in accordance with the Permit. Such review is stated to have indicated the City reported the following violations of the permitted effluent discharge limits from September 1, 2015, through August 31, 2018:

1. Nine violations for Fecal Coliform Bacteria;
2. Seven violations for Total Suspended Solids; and
3. One violation for Dissolved Oxygen.

The DEQ sent the City a letter requesting a Corrective Action Plan (“CAP”) to address the alleged violations of the permitted effluent limitations. The CAP was stated to have a milestone schedule, a final date of compliance, and be certified by a Professional Engineer licensed in the State of Arkansas.

The City subsequently submitted a CAP on November 2, 2018, with a compliance date of January 31, 2020. The CAP was discussed with DEQ and the City asked to submit a revised CAP to update the milestone schedule and final date of compliance. The revised CAP was submitted to DEQ with a final compliance date of September 30, 2020. This revised CAP was approved by DEQ.

DEQ is stated to have conducted a follow-up review of certified DMRs on July 24, 2019, that had been submitted by the City. This review is stated to have indicated the following violations of the permitted effluent discharge limits in the Permit from September 1, 2018, through June 30, 2019. These included:

1. Seven violations for Fecal Coliform Bacteria;
2. Two violations for total Suspended Solids; and
3. One violation for Dissolved Oxygen

The CAO requires that the City implement the CAP in accordance with the milestone schedule and on or before the 15th day of the month following the effective date of the CAO and each quarter thereafter submit quarterly progress reports detailing the progress made toward compliance with the final permitted effluent limits.

A civil penalty of \$3,000 is assessed which could have been reduced to \$1,600 if the document was returned to DEQ within 20 calendar days of receipt of the CAO.

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