



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

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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Marvell, Arkansas (“Marvell”) entered into a December 31st Consent Administrative Order (“CAO”) to address alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-002.

The CAO provides that Marvell operates a municipal wastewater treatment plant (“Facility”) located in Phillips County, Arkansas.

The Facility is stated to discharge treated wastewater to Big Creek which eventually moves into the White River Basin. Such discharge is stated to be regulated pursuant to an NPDES permit. The NPDES permit is stated to have become effective on February 1, 2015, and expires on January 31, 2020.

Part III, Section D, Condition 10 of the NPDES permit is stated to require Marvell to submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if the activity regulated by the permit is to continue after the expiration date. Marvell is stated to have indicated it intended to operate the Facility beyond the expiration date of the NPDES permit – January 31, 2020.

DEQ is stated to have notified Marvell at two points that the permit would expire on January 31, 2020, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than August 4, 2019. Marvell is stated to have not submitted a complete permit renewal application by the required date, therefore constituting a violation of Part III, Section D, Condition 10 of the NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Marvell. They are stated to have indicated the following violations of the permitted effluent discharge limits from July 1, 2016, through July 31, 2019:

- Five (5) violations for Carbonaceous Biochemical Oxygen Demand;
- Two (2) violations for Fecal Coliform; and
- Two (2) violations for Dissolved Oxygen

The DEQ review is also stated to have indicated that Marvell failed to submit noncompliance reports for violations of the permitted effluent discharge eliminations, constituting an alleged violation of Condition 7 of the permit.

The CAO indicates that certain DMRs submitted by Marvell indicated that it failed to submit DMRs in accordance with Part III, Section C, Condition 5 of the NPDES permit in a timely manner and is described in the document.

A Compliance Evaluation Inspection and a Sanitary Sewer Overflow (“SSO”) Collection System Inspection of the Marvell Facility was stated to have been conducted by DEQ on August 22, 2019. The alleged violations identified are stated to have included:

- The influent bar screen showed signs of corrosion and sediment accumulation;
- The rotor aerator was inoperable;
- There was excessive algae growth in Pond 1;
- There was excessive vegetation along the outer levees;
- Burrowing animals were noted in the levees;
- There was excessive woody vegetation on the levees dividing each pond;
- The water level in Pond 3 exceeded the minimum freeboard of two (2) ft;
- Disinfection had been discontinued without obtaining permission;
- The chlorine building was in disrepair;
- There was no emergency contact information posted at the lift stations;
- The control panels, latches, and wet well hatches were not secured to prevent unauthorized access;
- There were no maintenance records or operator logs demonstrating lift station inspections;
- Pump #2 at the Midway Lift Station is in need of maintenance; and
- Sanitary waste was observed on the ground near the Burt Lift Station

Records of monitoring information (flow records), change of custody, and lab analysis sheets are stated to have not been retained by Marvell.

The CAO requires that Marvell submit a complete permit renewal application to the Division on or before the effective date of the CAO. Further, Marvell is required to comply with the existing NPDES permit until the effective date of the permit renewal. DMRs and noncompliance reports are required to be submitted in accordance with the NPDES permit.

Within 30 calendar days of the effective date of the CAO, Marvell is required to submit to DEQ for review and approval a comprehensive Correction Action Plan. The Corrective Action Plan includes certain requirements that are intended to prevent future violations. A milestone schedule with a final date of compliance no later than December 31, 2020, must be included. Once approved by DEQ, Marvell is required to comply with the terms, milestone schedule, and final compliance date contained in the approved Corrective Action Plan.

Within 60 calendar days of the effective date of the CAO Marvell is required to submit to DEQ an Operations and Maintenance Manual providing certain information.

A civil penalty of \$4,350 is assessed which could have been reduced to \$2,175 if the document was signed and returned to DEQ within 20 calendar days of the receipt of the CAO.

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