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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Faulkner County Wastewater Treatment Facility Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Shadow Ridge Wastewater Treatment Facility (“Shadow Ridge”) entered into a June 2nd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-153.

Shadow Ridge is stated to operate a wastewater treatment facility (“Facility”) in Faulkner County, Arkansas.

The Facility is stated to discharge treated wastewater to the East Fork of Cadron Creek which eventually flows into the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have entered into a prior CAO with the Arkansas Water and Wastewater Corporation concerning the Facility. Further, DEQ is stated to have entered into a CAO in 2017 with Waste Water Management, Inc., concerning the Facility. A Permit Transfer Form is stated to have been submitted by Shadow Ridge to DEQ in 2018. The NPDES permit was transferred to Shadow Ridge pursuant to a minor modification.

Shadow Ridge is stated to have submitted a Corrective Action Plan (“CAP”) to DEQ for approval on December 3, 2018. An amended CAP was submitted to DEQ on January 2, 2019, with a final compliance date of December 31, 2019. Such CAP was approved by DEQ.

The CAO references a subsequent state construction permit application requesting the replacement of various wastewater treatment related equipment. The Facility also notified DEQ that when applying the 10 State Standards design criteria, it did not have the 39,600 gallon per day capacity listed in the permit. As a result, it is indicated that revisions would be required to be made to the construction permit application.

The CAO states that on September 18, 2019, DEQ received a complaint from Faulkner County Office of Emergency Management referencing the Facility's septic line discharging sewage into Cadron Creek. DEQ is stated to have subsequently conducted a Reconnaissance Inspection of the Facility which allegedly indicated the following violations:

1. Chlorine tablets were not properly positioned and therefore not contacting the effluent for treatment; and
2. The effluent outfall pipe was broken near the receiving stream causing the effluent to pool near the broken pipe before ultimately flowing into Cadron Creek. DEQ observed excessive biological film near the broken outfall pipe in the water flowing to the receiving stream.

Shadow Ridge is stated to have notified DEQ that on October 23, 2019, that a broken effluent discharge pipe was addressed by replacing approximately 150 feet of discharge pipe to the outfall. In addition, interim measures to improve Facility performance pending completion of the CAP were identified.

A revised application for a State Construction Permit was subsequently submitted to DEQ which referenced a different design flow rate.

DEQ is stated to have indicated to Shadow Ridge that reported flow rates on its Discharge Monitoring Reports ("DMRs") exceed the capacity of the existing Facility. As a result, DEQ is stated to have indicated to Shadow Ridge that it would not authorize additional new sewer connections to the Facility until corrective action was undertaken to adequately and effectively treat additional wastewater.

A March 30, 2020, DEQ review of certified DMRs from December 1, 2017, through January 31, 2019, allegedly indicated the following violations:

1. Thirteen violations for Carbonaceous Biochemical Oxygen Demand (CBOD);
2. Seven violations for Fecal Coliform Bacteria;
3. Seventeen violations for Ammonia Nitrogen;
4. Thirteen violations for Total Suspended Solids (TSS)

On March 30, 2020, DEQ is stated to have conducted a review of certified DMRs and allegedly identified the following violations:

1. Thirty-two violations for CBOD;
2. Two violations for Fecal Coliform Bacteria;
3. Forty-four violations for Ammonia Nitrogen;
4. Two violations for Dissolved Oxygen (DO); and
5. Fifty-seven violations for TSS.

Shadow Ridge neither admits nor denies the statements in the CAO's Findings of Fact. Further, the CAO closes the prior two CAOs.

The CAO requires that on or before the 15th day of the month following the effective date of the CAO and each quarter thereafter for a period lasting until this Order is closed that Shadow Ridge submit quarterly progress reports detailing the progress that has been made towards compliance with the permit. A final compliance report is required no later than the final compliance date.

A civil penalty of \$9,600 is assessed of which \$7,200 is conditionally suspended if Shadow Ridge complies with the CAO.

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

