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

07/22/2020

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Mayflower (“Mayflower”) entered into a June 26th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-155.

The CAO provides that Mayflower operates a wastewater treatment plant (“Facility”) in Faulkner County, Arkansas.

The Facility is stated to discharge treated wastewater to the Arkansas River in Segment 3F of the Arkansas River Basin. Such Facility is stated to be regulated pursuant to a Clean Water Act NPDES permit.

Such current permit became effective on August 1, 2018, and expires on July 31, 2023.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) that had been submitted by Mayflower in accordance with the NPDES permit. Such review is stated to have indicated that Mayflower reported the following violations of the permitted effluent discharge limits from April 1, 2015, through April 30, 2018, which allegedly included:

1. One (1) violation for pH;
2. Six (6) violations for Ammonia Nitrogen; and
3. Five (5) violations for Fecal Coliform Bacteria

DEQ is stated to have provided Mayflower a letter requesting a Corrective Action Plan (“CAP”) to address the alleged violations of the permitted effluent limitations. Such CAP was stated to have a milestone schedule, a final date of compliance, and be certified by a Professional Engineer (“P.E.”) licensed in the state of Arkansas.

Mayflower is stated to have submitted a CAP to address the alleged violations with a compliance date of July 31, 2019. DEQ approved such CAP and subsequently issued a State Construction Permit for the

addition of two aerators to Cell 2 and a metering pump for the addition of caustic soda to increase alkalinity.

A DEQ Enforcement Analyst is stated to have contacted Mayflower to discuss the condition of the Facility as related to the 2019 historic flooding of the Arkansas River. Mayflower had indicated that the Facility pumps would be shut off for protection as the floodwaters would potentially be entering the plant. Further DEQ is stated to have been notified that Mayflower was pumping wastewater from a certain pump station to the floodwaters to prevent wastewater from backing up to nearby residences.

An update was submitted by Mayflower which provided that the Facility was still inundated with floodwaters and the lining in the aeration basin was floating. Power was stated to have been restored to the Facility on June 12, 2019. However, the effluent is stated to have required new motors and the aerators could not be started until the aeration basin liner was repaired.

An update is stated to have subsequently been provided stating that Denali had been contracted for sludge removal and aeration basin cleaning. Further, Environmental Specialties International is stated to have been onsite mid-August to repair the aeration basin liner. New surface aerators would then be installed as part of the planned improvements as authorized by the Construction Permit.

A subsequent DEQ review of certified DMRs submitted by Mayflower on August 21, 2019, is alleged to have indicated the following violations:

1. Two (2) violations for Total Suspended Solids;
2. One (1) violation for pH; and
3. Four (4) violations for Fecal Coliform Bacteria.

Mayflower subsequently submitted the costs of sludge removal, liner removal, and sludge dredging with an estimated completion date of November 30, 2019, for all actions. This process was stated to have been subsequently begun and was eventually completed.

On April 21, 2020, DEQ is stated to have conducted a review of the certified DMRs submitted by Mayflower and allegedly indicated the following violations:

1. Sixteen (16) violations for Ammonia Nitrogen;
2. Ten (10) violations for Fecal Coliform Bacteria;
3. One (1) violation for Carbonaceous Biochemical Oxygen Demand;
4. One (1) violation for Dissolved Oxygen; and
5. One (1) violation for Total Suspended Solids.

The CAO requires that Mayflower submit to DEQ for review and approval a revised CAP developed by an Arkansas licensed P.E. and include at a minimum the methods and best available technologies to correct certain violations. A milestone schedule should be included.

Within 60 calendar days of the effective date of the CAO an interim operating plan is required to be submitted describing measures to be taken to maximize the removal efficiency of all pollutants covered by the NPDES permit. Further, a quarterly report is required to be submitted detailing progress that has been made toward compliance with the final permitted effluent limits.

A civil penalty of \$6,000 is assessed which is conditionally suspended if Mayflower fully complies with the CAO.

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