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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Blytheville, Arkansas (“Blytheville”) entered into an August 13th Consent Administrative Order (“CAO”) addressing alleged violations of Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permits. See LIS No. 20-166.

The CAO provides that Blytheville operates two municipal wastewater treatment facilities:

- South Facility
- West Facility
- The West and South facilities discharge wastewater pursuant to an NPDES permit.

DEQ is stated to have conducted a compliance evaluation inspection (“CEI”) of the South facility on May 31, 2018 and identified the following:

1. The inspector observed multiple broken air lines and damaged diffusers.
2. The inspector observed multiple locations where vegetation was growing on air lines and clarifier curtains.
3. The inspector observed hydraulically overloaded clarifiers and submerged separation curtains.
4. The inspector observed excess sludge accumulation in the polishing pond.
5. The inspector determined that staffing practices and levels were insufficient to maintain and operate the South Facility.

DEQ is stated to have conducted a July 18, 2018 compliance review of certified Discharge Monitoring Reports (“DMRs”) submitted by Blytheville. The review is stated to have indicated that certain violations occurred which included Ammonia Nitrogen. The review is also stated to have indicated a failure to submit certain DMRs by the due date. In addition, the review is stated to have indicated a failure to submit certain non-compliance reports (“NCRs”).

Pursuant to a meeting between DEQ and Blytheville, a revised Corrective Action Plan ("CAP"), along with an interim operating plan and an update to the Sanitary Sewer Evaluation Study were requested. Those documents were subsequently submitted.

A compliance review of certified DMRs was undertaken on February 9, 2019 and is stated to indicated the following alleged violations:

1. One violation of Fecal Coliform; and
2. Six (6) violations for Ammonia Nitrogen.

The review is also stated to have indicated the South facility was not conducting Whole Effluent Toxicity Testing as required by the NPDES permit. DEQ is stated to have accepted a revised CAP on February 13, 2019 and Blytheville requested an extension for submittal of revisions which was granted. Such CAP adequately addressed DEQ's comments and additional stipulations.

The CAO also provides that 27 sanitary overflows are stated to have occurred between April 1, 2017 and May 17, 2019.

1. Multiple locations of vegetation were growing on air lines and clarifier curtains;
2. Excessive and extensive accumulations of solids were in the clarifier weirs;
3. The clarifier sludge return was partially clogged and overflowing;
4. Multiple air leaks due to broken air lines and damaged diffusers; and
5. Excessive and extensive accumulations of solids were in the polishing pond.

Blytheville is also stated to have failed to achieve final compliance and submit a final compliance report as required by the previous CAO (as amended).

DEQ subsequently requested a revised CAP due to the alleged failure of Blytheville to meet the final compliance date of the previous CAO.

Subsequent discussions are stated to have been conducted between DEQ, Blytheville, and PMI, Inc., to discuss effluent limit violations, sanitary sewer overflows and progress on the previous CAO. A revised CAP, an interim operation plan and an update to the Sanitary Sewer Evaluation Study were requested by DEQ. DEQ then approved the revised CAP.

DEQ is stated to have conducted a review of certified DMRs submitted by Blytheville in accordance with the West facility's NPDES permit. The alleged violations included:

1. One violation for Mercury;
2. Twenty-seven violations for Ammonia Nitrogen; and
3. Fourteen violations for Decal Coliform.

A review of the DMRs is also stated to have indicated that Blytheville failed to conduct WET testing for certain specified monitoring periods. In addition, Blytheville is stated to have failed to conduct sampling analysis of all parameters as required by the West facility NPDES permit for the July 2018 monitoring period.

A review of Sanitary Sewer Overflow reports are stated to have indicated 21 sanitary sewer overflows.

An associated review is stated to have indicated that Blytheville failed to operate and monitor the industrial pretreatment program in accordance with Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations and the approved POTW pretreatment program submitted by Blytheville. The pretreatment program violations are stated to have included:

1. Issue control mechanisms to 90% of Significant Industrial Users (SIU) in a timely fashion;
2. Inspector sample at least 80% of SIUs; and
3. Enforce pretreatment standards, reporting requirements, and other violations of concern (e.g., incomplete influent/effluent monitoring) to the Approval Authority.

The CAO requires that Blytheville comply with the terms, milestone schedule, and final compliance date in the revised CAP. A final compliance report for the CAP is required to be submitted on or before the final compliance date of October 31, 2021.

Blytheville is also required to undertake, pursuant to a schedule, various actions in regards to the Sanitary Sewer Collection System and compliance with testing, analysis and reporting, and the pretreatment program.

The CAO also requires that within 90 calendar days of the effective date that Blytheville submit an administratively complete construction application for a new combined facility. This shall include the development and submission to DEQ of an operation and maintenance manual for the new combined facility that is required to have certain components as specified.

The CAO assesses a civil penalty of \$25,500 of which \$18,000 is conditionally suspended contingent upon Blytheville complying with the terms of the document.

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