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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the City of Perla, Arkansas, (“Perla”) entered into a November 6th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Water and Air Pollution Control Act. See LIS No. 20-185.

The CAO provides that Perla operates a Sewer Collection System (“SCS”).

DEQ is stated to have conducted a complaint investigation on May 23, 2019, in response to an anonymous complaint that raw sewage was being discharged onto the open ground from the SCS. The inspection is stated to have revealed the following:

- Lift Station 16, located at 120 Dempsey Lane, Perla, AR was overflowing;
- Lift Station 17, located at 218 Dempsey Lane, Perla, AR appeared to be disconnected and not in operation;
- Lift Station 15, located at 2576 Mount Willow, Perla, AR had previously overflowed; and
- Lift Station 9, located at 846 Griffin Cutoff, Perla, AR was overflowing.

Flow patterns were stated to indicate that the discharge from the lift stations flows to waters of the state. This is indicated to constitute an unpermitted discharge.

DEQ is stated to have notified Perla via letter of May 23, 2020, of the inspection results to which Perla responded. The city indicated it was in the process of replacing pumps for certain lift stations. However, DEQ stated that this did not sufficiently address the alleged violations. It requested a timeline for completion of required work to replace the pumps along with documentation.

Perla is stated to have failed to respond to DEQ’s request.

On June 3, 2020, DEQ is stated to have conducted a complaint investigation which is alleged to have indicated the following:

- Lift Station located on Perla Road, Perla, AR was overflowing and flowing to an unnamed tributary to Town Creek

- Lift Station 9, located at 756 Griffin Cutoff, Perla, AR was overflowing;
- The lift stations inspected during the May 23, 2019 inspection were overflowing.

Perla is stated to not be permitted to discharge untreated wastewater from its SCS. Therefore, this is alleged to constitute a violation.

DEQ is stated to have notified Perla on June 19th of the inspection results to which Perla responded. The city indicated a new pump was installed and that it was ordering an additional pump. Further, Perla stated that the ground at each pump station would be scraped and lime spread over the area.

The CAO requires that Perla immediately implement Best Management Practices (“BMPs”) and correct the items referenced in Findings of Fact Paragraphs 7 and 12. Within thirty (30) calendar days of the effective date of the CAO, Perla is required to submit to DEQ a comprehensive Corrective Action Plan (“CAP”) developed by a Professional Engineer licensed in the state of Arkansas which shall include at a minimum the methods and best available technologies to correct the alleged violations listed in Findings of Fact Paragraph 7 and 12. It is also required to prevent future violations, and include a reasonable milestone schedule with a date of final compliance. Once approval by DEQ, Perla is required to comply with the terms, milestone schedule, and final compliance date .

Quarterly reports are required to be submitted detailing progress made toward compliance.

A civil penalty of \$3,600 is assessed, which could have been reduced to \$1,800 if the CAO was returned to DEQ within 20 calendar days of its receipt.

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