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# Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Dermott 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 Dermott (“Dermott”) entered into an October 14th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-182.

Dermott operates a major municipal waste water treatment facility (“Facility”) in Chicot County, Arkansas.

The Facility discharges treated wastewater to Bayou Bartholomew and eventually to Segment 2B of the Ouachita River Basin. Such discharge is undertaken pursuant to an NPDES permit.

DEQ is stated to have conducted a routine Compliance Evaluation Inspection (“CEI”) of the Facility on January 22nd. The inspection allegedly indicated the following violations:

- Unpermitted discharge of effluent from the final effluent pumps onto the ground
- Six hour composite samples are not being composited according to flow
- Conditions demonstrating that Dermott has not properly operated and maintained the Facility in accordance with the requirement set forth in Part II Section B condition 1.a of the NPDES permit
- No records calibration of the totalizer and no flow checks being preformed

Dermott is stated to have been notified of the inspection results.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Dermott in accordance with the NPDES permit. Such review is stated to have indicated certain violations of the NPDES effluent discharge limits which included:

1. One violation for Biochemical Oxygen Demand;
2. Three violations of Carbonaceous Biochemical Oxygen Demand;
3. Two violations of Ammonia Nitrogen; and
4. Six violations of Fecal Coliform Bacteria.

Dermott submitted a response to the CEI on June 20th. The response is stated to have listed the violations but did not provide a timeline for when the corrective actions would take place.

The CAO requires that Dermott immediately cease unpermitted discharges referenced in Findings of Fact Paragraph 10. This is required to be demonstrated by photographic documentation indicating that unpermitted discharge has ceased.

Dermott is required within 30 calendar days of the effective date of the CAO to submit to DEQ for review and approval, a Corrective Action Plan ("CAP") developed by a Professional Engineer licensed in the State of Arkansas. The CAO states what the components of the CAP should include and is subject to review by DEQ.

Further, Dermott is required within 60 days of the effective date of the CAO to submit an interim operating plan describing in detail the operational measures that will be undertaken to consistently maximize the removal efficiency of all pollutants covered by the NPDES permit.

A civil penalty of \$7,400 is assessed which could have been reduced to \$3,700 if the CAO was returned to DEQ within 20 calendar days of receipt of the document.

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