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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Saline County Sewer Improvement District Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Pleasant Oaks Sewer Improvement District #31 (“Pleasant Oaks”) entered into a Consent Administrative Order (“CAO”). See LIS No. 20-191.

The CAO provides that Pleasant Oaks operates a non-municipal wastewater treatment plant (“Facility”) in Mablevale, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Otter Creek, which eventually flows into the Arkansas River. Such discharge is regulated pursuant to a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit.

DEQ is stated to have issued the NPDES permit on February 26, 2015, with an expiration date of February 29, 2020. Part III, Section D, Condition 10 of the NPDES permit requires Pleasant Oaks to submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if the regulated activity is to continue after the expiration date. Pleasant Oaks is stated to intend to operate the Facility beyond the expiration date.

Pleasant Oaks is stated to have been notified by DEQ that the NPDES permit would expire on February 29th and that in order to continue the regulated activity complete renewal application must be submitted no later than September 2, 2019. It submitted a NPDES permit renewal application on October 8, 2019. However, DEQ is stated to have notified Pleasant Oaks that the NPDES permit renewal application was incomplete.

Additional information was submitted by Pleasant Oaks. DEQ is stated to have notified Pleasant Oaks that the NPDES permit renewal application was administratively complete on February 14.

Because the NPDES permit renewal application is stated to have not been received by September 2, 2019, a violation of Part III, Section D, Condition 10 of the permit is stated to have occurred.

The CAO provides that DEQ conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Pleasant Oaks as required by the NPDES permit on February 13th. A review of the DMRs allegedly determined the following violations of the effluent discharge limits:

1. Eight violations of Fecal Coliform Bacteria;
2. Sixteen violations of Carbonaceous Biochemical Oxygen Demand;
3. Thirty-seven violations of Ammonia Nitrogen;
4. Five violations of Dissolved Oxygen; and
5. Twelve violations of Total Suspended Solids.

The CAO requires that Pleasant Oaks comply with the expired NPDES permit until the effective date of the renewal. Further, within 30 days of the effective date of the CAO, Pleasant Oaks is required to submit to DEQ a certification prepared and stamped by a Professional Engineer licensed in the State of Arkansas that the Facility is in compliance with the effluent discharge limitations set forth in Part I, Section A of the NPDES permit, unless a Corrective Action Plan (“CAP”) is submitted as provided in Paragraph 3 of the CAO.

Pleasant Oaks is required within 30 calendar days of the effective date of the CAO, if unable to comply immediately with all permitted effluent limits, to submit to DEQ for review and approval a comprehensive CAP. Paragraph 3 of the CAO provides the requirements associated with the CAP and Paragraph 4 mandates quarterly progress reports.

A civil penalty of \$2,000 is assessed, of which \$1,500 is conditionally suspended if Pleasant Oaks fully complies with the CAO.

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