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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Warren Water and Sewer (“Warren”) entered into a December 17th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination (“NPDES”) permit. See LIS No. 20-199.

Warren is stated to operate a municipal wastewater treatment facility (“Facility”) in Bradley County, Arkansas.

The Facility is stated to discharge treated wastewater to the Saline River. Such discharge is stated to be authorized pursuant to an NPDES permit.

Warren is stated to have submitted a sludge removal plan and detention time calculations to DEQ on March 30, 2018, in accordance with its NPDES permit. DEQ subsequently sent Warren a request for a Corrective Action Plan (“CAP”) to address effluent violations.

Warren is stated to have submitted a NPDES permit renewal application on June 10, 2019. Such permit renewal application is stated to have been deemed administratively complete.

Warren is stated to have responded to DEQ’s CAP request and identified corrective actions that had been completed. DEQ determined during the permit application renewal process that Warren had not removed sludge from its lagoon and would not meet the relevant schedule before the expiration date of the permit. This is alleged to be a violation of the NPDES permit.

Warren subsequently submitted a revised CAP which was deemed adequate by DEQ. It included a compliance date of December 31, 2021.

A revised milestone schedule was requested. The CAO provides that Warren has not to date submitted a revised milestone schedule for the revised CAP.

A DEQ review is stated to have indicated that Warren had been reporting mercury, dissolved copper, and total suspended solids in the wrong concentration form. A request for correction was requested, which Warren accomplished.

A DEQ review is stated to have indicated certain violations of the NPDES permit discharge limits which included:

- Eight violations of Total Suspended Solids; and
- One violation of Fecal Coliform Bacteria

A DEQ review is also stated to have indicated that Warren reported 8 sanitary sewer overflows (“SSOs”) from December 1, 2016, to December 31, 2019, which constitutes a violation of Part II, Condition 5 of the permit.

The CAO requires that Warren submit a revised CAP and milestone schedule that details the sludge removal process and includes a final compliance date no later than December 31, 2021. Further, certain quarterly progress reports are required to be submitted.

A civil penalty of \$2,000 is assessed, which could have been reduced to \$1,000 if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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