



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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

02/10/2021

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and City of Earle, Arkansas, (“Earle”) entered into a January 11th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-203.

The CAO provides that Earle operates a municipal wastewater treatment facility (“Facility”) in Crittenden County, Arkansas.

The Facility is stated to discharge treated wastewater to the Tyronza River and eventually the St. Francis River. The discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have conducted a Reconnaissance Inspection of the Facility on November 20, 2019. The following violations were allegedly identified:

- A discharge from a pipe in the levee at the southeast corner of Cell 1 of the treatment system into a ditch that flows to the Tyronza River.
- Operator does not have a current wastewater license.
- Operation and Maintenance issues including:
- Chlorine disinfection was non-operational, and the injectors were not connected to chlorine bottles.
- The effluent pump station was non-operational with the pumps placed in manual mode and check valves in the closed position.
- Electricity had been disconnected from the Chlorine Building and the Pump Station.
- Excessive vegetation on lagoon levees.

A follow-up Compliance Inspection of the Facility is stated to have been conducted on December 31, 2019. Such inspection is alleged to have identified the following violations:

- A discharge from a pipe in the levee at the southeast corner of Cell 1 of the treatment system into a ditch that flows to the Tyronza River.
- Operator does not have a current wastewater license.

- Operation and Maintenance issues including:
- Excessive vegetation, including several trees, growing on the lagoon levees.
- The electricity had not been restored to the Chlorine Building or the Effluent Pump Station.
- The Chlorine Building was in a generally derelict condition including the collapse of the roof.

DEQ is stated to have conducted a review of Certified Discharge Monitoring Reports (“DMRs”) related to the Facility on March 3, 2020. The review is stated to have indicated that Earle reported No Data Indicator Code (NODI)=C for “No Discharge” on all the DMRs submitted between the monitoring period end dates of June 30, 2010 through January 31, 2020.

The Operator of the Facility is stated to have obtained a Class I wastewater operator’s license on March 20, 2020. Further, Earle submitted a response to the inspections performed on November 20, 2019, and December 31, 2019, which stated:

- The unpermitted discharge from the pipe in the levee at the southeastern corner of Cell 1 of the treatment system has ceased, and the pipe has been sealed.
- Electricity to the pump station has been restored.
- The levees have been repaired and the vegetation has been removed.

The CAO requires that Earle:

- Sample the effluent in accordance with Part 1, Section A of the permit and report the results as required
- Within 30 calendar days of the effective date of the CAO submit to DEQ for review and approval a Comprehensive Corrective Action Plan (“CAP”) developed by a licensed Arkansas Professional Engineer
- Submit quarterly progress reports with a Final Compliance Report by December 31, 2021

A civil penalty of \$4,700 is assessed of which \$3,700 is conditionally suspended. If Earle fully complies with the CAO, the suspended civil penalty of \$3,700 is dismissed.

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