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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Regional Water District Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality and Tri County Regional Water Distribution District (“Tri County”) entered into a February 3rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-012.

The CAO provides that Tri County operates a municipal wastewater treatment plant (“Facility”) located in Yell County, Arkansas.

The Facility is stated to discharge treated wastewater to Sally Spring Branch which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Tri County. The review is stated to have indicated alleged violations of the permitted effluent discharge limits detailed in Part I, Section A of the Permit from June 1, 2017, through October 30, 2020, which include:

1. Twenty (20) violations of Total Suspended Solids;
2. Nineteen (19) violations of Total Phosphorus;
3. Four (4) violations of Ammonia Nitrogen;
4. Four (4) violations of Carbonaceous Biochemical Oxygen Demand; and
5. Two (2) violations of Fecal Coliform Bacteria.

DEQ subsequently on June 23, 2020, is stated to have sent Tri County a letter requesting a Correction Action Plan (“CAP”) to address the alleged violations of the permitted effluent discharge limitations. Such CAP was to include:

- A milestone schedule
- A final date of compliance

- Be certified by a Professional Engineer (P.E.) licensed in the State of Arkansas

Tri County submitted a CAP to DEQ with a final compliance date of August 21, 2023.

DEQ responded in a September 17, 2020, letter with the following comments:

1. By abandoning the current overload treatment, the facility will be in violation of Rule 6.2020(B)(3), which requires two cell wastewater treatment ponds to be followed by sand or rock filtration, or other solids removal devices.
2. DEQ recommends shortening the timeframe for sampling to determine the baseline of treatment.
3. Please submit a revised CAP and milestone schedule, incorporating the above comments, by October 2, 2020.

A revised CAP was provided by Tri County to DEQ addressing the previously referenced comments on September 29, 2020.

DEQ subsequently notified Tri County that the revised CAP was adequate. Further, the agency notified Tri County that the Permit had been modified to remove Part II, Section 8, and included a copy of a modified NPDES permit.

The CAO requires that Tri County comply with the terms, milestone schedule and final compliance date in the approved revised CAP. The milestone schedule and final compliance date of August 31, 2020, is deemed enforceable as terms of the CAO. Further, progress reports are required.

A civil penalty of \$5,600 is assessed which could have been reduced by one-half if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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