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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Sparkman 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 Sparkman, Arkansas (“Sparkman”) 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. 21-011.

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

The Facility is stated to discharge treated wastewater to Cypress Creek which then flows into the Ouachita River. The discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have conducted a Compliance Evaluation Inspection of the Facility on May 31, 2019. The inspection allegedly identified the following violations:

1. An unpermitted discharge of wastewater from the chlorine contact chamber was observed.
2. Sparkman has not monitored the influent for Carbonaceous Biochemical Oxygen Demand (CBOD5), Biochemical Oxygen Demand (BOD), and Total Suspended Solids (TSS) as required to calculate the percent removal to ensure compliance with the required removal efficiency stated in Part 11.2 of the Permit.
3. Sparkman failed to report the unpermitted discharge of wastewater from the chlorine contact chamber to DEQ within twenty-four (24) hours of becoming aware of the unpermitted discharge.
4. The flow measurement device was inundated with water and incapable of providing a flow measurement.
5. Non-Compliance Reports (NCRs) submitted by Respondent do not contain all of the necessary information.

DEQ provided Sparkman the inspection results and requested a written response to the alleged violations. Sparkman is stated to have provided a response to DEQ on September 3, 2019.

DEQ is also stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) of the Sparkman Facility. The review allegedly identified the following violations of the permitted effluent discharge limits detailed in Part I.A of the NPDES permit from September 1, 2015 through August 1, 2020:

1. Nine (9) violations of TSS;
2. One (1) violation of BOD;
3. Two (2) violations of CBOD5;
4. Two (2) violations of Ammonia Nitrogen; and
5. Nine (9) violations of Fecal Coliform.

The CAO requires that Sparkman submit to DEQ, for review and approval, a comprehensive Corrective Action Plan (“CAP”) developed by a Professional Engineer licensed in the State of Arkansas. The CAP is required to, at a minimum, provide the methods and best available technologies that will be used to correct and prevent the reoccurrence of the alleged violations listed in Findings of Facts Paragraphs 11 and 14 of the CAO and prevent future violations.

A milestone schedule is also required to be provided. In addition, progress reports will be required along with an interim operating plan.

The CAO assesses a civil penalty of \$7,900 of which \$3,950 is conditionally suspended if Sparkman fully complies with the CAO.

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