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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Tuckerman (“Tuckerman”) entered into a June 24th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-062.

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

The Facility is stated to discharge treated wastewater to Tuckerman Ditch which eventually flows into the White River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have issued an NPDES permit to Tuckerman on June 6, 2016. Further, DEQ is stated to have issued a State Construction Permit (“Construction Permit”) to Tuckerman on February 29, 2016.

DEQ is stated to have notified Tuckerman on November 30, 2016, regarding deficient and missing Discharge Monitoring Reports (“DMRs”). Further, DEQ is stated to have sent Tuckerman an email requesting the submission of an update to a Corrective Action Plan (“CAP”) to address continuing effluent violations.

Tuckerman subsequently submitted an updated CAP and milestone schedule and stated that all corrective actions were complete. The City subsequently submitted a Notice of Completion of Construction, stamped by a Professional Engineer.

DEQ notified Tuckerman that the Construction Permit had been terminated on October 15, 2019.

DEQ is stated to have received an anonymous complaint regarding an overflowing manhole on October 21, 2019.

Tuckerman is stated to have submitted on October 30, 2019, an email updating the Facility’s status indicating issues had been corrected and it could produce effluent complying with the discharge limits.

DEQ sent Tuckerman a November 4, 2019, letter requesting a CAP be submitted to address the Sanitary Sewer Overflow (“SSO”) complaint previously received. An employment contract for the operator was also requested. Tuckerman submitted the employment contract for the operator on November 7, 2019.

Tuckerman is stated to have notified DEQ on November 18, 2019, that the referenced SSO issues were corrected by replacing the line. DEQ is stated to have indicated the CAP would still be required if the repairs did not correct the ongoing issues.

DEQ subsequently was notified that the line replacement was completed and there was no evidence of overflows.

DEQ conducted a Reconnaissance Inspection of the Facility on July 29, 2020, and documented the following alleged violations:

- High vegetation was present around all lagoon levees
- Rock reed filters were still in place

Tuckerman’s response was requested regarding the alleged violations. A response was submitted on November 3, 2020.

DEQ subsequently requested written documentation explaining why the rock reed filters were not removed as required by the Construction Permit and a timeline for completing such removal provided. Such explanation was subsequently provided to DEQ.

DEQ conducted a review of certified DMRs submitted by Tuckerman on February 3, 2020. The review allegedly identified the following violations:

- Twenty-one violations of Total Suspended Solids
- Seven violations of Carbonaceous Biochemical Oxygen Demand

The DRMs also allegedly indicated that Tuckerman failed to conduct analysis for the following monitoring period end dates:

- February 28, 2018
- March 21, 2018
- November 30, 2020

DEQ is stated to have conducted a review of the SSOs and treatment bypasses reported by Tuckerman for the period September 1, 2017, through January 31, 2021. The review allegedly determined the following:

- Tuckerman reported six SSOs.
- Tuckerman is permitted to discharge treated municipal wastewater from its Facility.

The CAO requires that Tuckerman submit to DEQ for review and approval a closure plan to remove the rock reed filters with a final closure no later than July 31, 2022. Documentation of such completion is required to be submitted.

Tuckerman is required within 30 days of the effective date of the CAO to submit for review and approval a CAP developed by a Professional Engineer licensed in Arkansas which shall include at minimum the methods and best available technologies to correct the alleged violations. A milestone schedule is also required. In addition, certain quarterly reporting is required.

A civil penalty of \$7,000 is assessed of which \$6,000 is conditionally suspended if Tuckerman fully complies with the CAO.

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