

Wastewater Enforcement: Arkansas Department of Environmental Quality and Faulkner County Wastewater Treatment Operator Enter into Consent Administrative Order



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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Eagle Ridge Utility Operating Company, LLC (“Eagle Ridge”) entered into a July 22nd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-068.

The CAO provides that Eagle Ridge operates a domestic wastewater treatment plant (“Facility”) in Faulkner County, Arkansas.

The Facility is stated to discharge treated wastewater to Kaney Creek which eventually flows into the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

The previous owner of the Facility (Waste Water Management, Inc.) is stated to have submitted a Corrective Action Plan (“CAP”) on January 9, 2018, to DEQ to address violations of the permitted effluent limitations.

Eagle Ridge acquired the Facility from Waste Water Management, Inc., on August 29, 2018. A permit transfer was submitted to DEQ on November 30, 2018. DEQ notified Eagle Ridge that the permit had been transferred to it on January 5, 2019.

Eagle Ridge submitted an Amended CAP to DEQ on February 1, 2019. The CAP was subsequently approved by DEQ which requested quarterly progress reports. Two progress reports were stated to have been submitted by Eagle Ridge to DEQ on May 29, 2019, and November 29, 2019.

DEQ is stated to have sent to Eagle Ridge a letter requesting additional information on January 16, 2020, concerning the number and type of sewer connections to the Facility, as-built treatment capacity of the Facility, design capacity of the Facility, and a timeline for submission of the complete construction application for the proposed Facility modification.

Information addressing these issues was submitted by Eagle Ridge to DEQ on February 14, 2020. A progress report detailing corrective actions was submitted to DEQ on February 27, 2020.

A construction permit application was submitted to DEQ on May 5, 2020, which was deemed administratively complete on May 20, 2020. A permit modification was subsequently approved by DEQ. DEQ notified Eagle Ridge of preliminary NPDES discharge limits on February 4th.

DEQ is stated to have conducted a review of Discharge Monitoring Reports (“DMRs”) submitted by Eagle Ridge on April 26, 2021. The DEQ review allegedly detailed the following effluent discharge limit violations:

1. Ninety-eight (98) violations of Ammonia Nitrogen;
2. Forty-five (45) violations of Fecal Coliform Bacteria;
3. Forty-one (41) violations of Total Suspended Solids;
4. Forty (40) violations of Carbonaceous Biochemical Oxygen Demand;
5. Thirteen (13) violations of Oil & Grease; and
6. Five (5) violations of Dissolved Oxygen.

The DMR review also allegedly indicated that Eagle Ridge failed to conduct sample analysis for oil and grease during the following monitoring periods:

1. September 2018;
2. October 2018;
3. November 2018; and
4. December 2018.

Eagle requested on December 30, 2020, an increase in treatment capacity of the Facility. Such increase is indicated to require Eagle Ridge to make an initial trust fund contribution in regards to proposed corrective actions. An estimate by Eagle Ridge was submitted of the cost to increase the design treatment capacity as part of its corrective actions. DEQ subsequently requested additional information. This information was provided by Eagle Ridge on April 6th and DEQ approved a reduced initial trust fund contribution based on an updated estimate for the cost of specific items.

The CAO provides that DEQ approves Eagle Ridge’s request to increase the design treatment capacity of the Facility as part of its corrective actions. Further, Eagle Ridge is required within 30 days of the effective date of the CAO to submit to DEQ for review and approval a revised CAP developed by an Arkansas Professional Engineer which shall include at a minimum the methods and best available technologies used to correct the violations listed in the alleged findings of fact and prevent future violations. A reasonable milestone schedule with a date of final compliance must be included. DEQ is to review and approve these items which would then become enforceable as part of the CAO.

Quarterly progress reports must also be submitted. Further, Eagle Ridge is required to submit an interim operating plan within 30 days of the effective date of the CAO that describes:

. . . in detail, the operational measures that will be undertaken to maximize the removal efficiency consistently of all pollutants covered by this permit. Respondent shall implement the interim operating plan immediately upon its submittal to DEQ.

A civil penalty of \$8,400 is assessed which could have been reduced to \$4,200 if the document was signed and returned to the agency within 20 calendar days of its receipt.

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