



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

Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Lonoke County Wastewater Treatment System Enter into Consent Administrative Order

10/13/2021

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and Grand Prairie Bayou Two Public Water Authority (“Grand Prairie”) entered into a September 26th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-096.

The CAO provides that Grand Prairie operates a decentralized wastewater treatment system (“Facility”) serving the Mount Tabor Estates subdivision located in Lonoke County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Wattensaw Bayou which eventually flows into the White River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) on January 23, 2019. Such review allegedly identified the following violations:

- Two (2) violations of Total Suspended Solids;
- Ten (10) violations of Dissolved Oxygen;
- One (1) violation of Carbonaceous Biochemical Oxygen Demand;
- Three (3) violations of pH;
- Two (2) violations of Fecal Coliform Bacteria; and
- Twenty-four (24) violations of Ammonia Nitrogen

DEQ requested on January 23, 2019, a Corrective Action Plan (“CAP”) which was received on May 6, 2019, from Grand Prairie’s engineer. The CAP was deemed inadequate and a revised document requested. A revised CAP was subsequently received on June 22, 2019.

DEQ is stated to have notified Grand Prairie’s engineer on July 1, 2019, that the CAP submitted on June 22, 2019, was inadequate to address the alleged effluent violations and requested an additional revised

CAP. DEQ subsequently received a Grand Prairie request for an extension of the CAP submission date to which DEQ agreed. The CAP is stated to have not been submitted to DEQ by the requested date.

DEQ also determined that Grand Prairie reported the following violations of the permitted effluent discharge limits:

- Three (3) violations of Total Suspended Solids; and
- Seventeen (17) violations of Ammonia Nitrogen

On January 29th, DEQ is stated to have received a CAP from Grand Prairie's newly contracted engineer. The CAP has a final compliance date of July 1, 2022. DEQ approved the revised CAP.

On July 7th, DEQ conducted a review of certified DMRs. The review allegedly identified the following violations:

- Two (2) violations of Total Suspended Solids;
- One (1) violation of Dissolved Oxygen; and
- Nine (9) violations of Ammonia Nitrogen

Grand Prairie submitted a modification and construction application to DEQ on August 2nd. This application was a request to replace the sand filters with moving bed bio-reactors.

The CAO requires that Grand Prairie complete the terms and milestones contained in the CAP submitted to DEQ on January 29th. The milestones and final compliance date are fully enforceable as terms of the CAO. Further, certain progress reports are required to be submitted.

The CAO also requires that within 60 days of its effective date Grand Prairie submit an interim operating plan that describes operation measures that will be undertaken to maximize the removal efficiency of all pollutants covered by the NPDES permit consistently. The interim operation plan is to be implemented immediately upon its submittal to DEQ.

A civil penalty of \$8,400 is assessed. However, it is conditionally suspended if Grand Prairie fully complies with the CAO.

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