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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Town of Tollette Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and Town of Tollette, Arkansas (“Tollette”) entered into an October 20th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-109.

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

The Facility is stated to discharge treated wastewater via a pipeline from the Facility to Mine Creek which eventually flows into the Red River. Such discharge is stated to be regulated by an NPDES permit.

DEQ is stated to have received a complaint on April 12th that sewage was overflowing from a manhole in Tollette.

DEQ is stated to have contacted Tollette and requested written documentation of the incident and corrective actions. Tollette is stated to have indicated that the manhole had been pumped down and lime, degreaser, and odor eater had been placed near the area. Further, Tollette indicated it was working with an engineering firm to develop a plan to make the necessary repairs and upgrades to the collection system.

An April 26th complaint containing photographic documentation of a sanitary sewer overflow (“SSO”) was provided to DEQ. DEQ requested a Corrective Active Plan (“CAP”) by May 31st with a milestone schedule/final date of compliance. An additional complaint is stated to have been received on May 18th.

Tollette submitted a CAP with a final compliance date of August 31, 2023. The CAP was deemed adequate by DEQ.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) in accordance with Tollette’s NPDES permit. The review is stated to have indicated a failure to conduct

analyses for the monitoring period end date of November 30, 2018. This is alleged to have constituted a violation of Part I, Section A of the NPDES permit.

DEQ conducted a review of the SSOs and treatment bypasses reported by Tollette in accordance with the NPDES permit for the period of April 1, 2018, through April 30, 2021. The review is stated to have indicated the following:

- Respondent reported eleven (11) SSOs. Respondent is permitted to discharge treated municipal wastewater from its facility. Respondent is not permitted to discharge untreated wastewater from its collection system.

DEQ is stated to have received an additional complaint on July 20th regarding the collection system.

On May 30, 2021, DEQ is stated to have conducted an SSO/collection system inspection of the Facility. The inspection is stated to have identified the following violations:

- Emergency contact information was not posted at either of the lift stations; and
- A manhole connected to the Pump Station Drive lift station showed signs of an overflow. The vegetation around the manhole was black from sewage.

A Compliance Evaluation Inspection of the Facility is stated to have been conducted on August 3rd. The following violations were allegedly identified:

- Failure to document the flow measurement five times per week
- Failure to employ a Class I wastewater operator
- Three ponds have an excessive amount of duckweed that has the potential to reduce the effectiveness of the natural biological cycles of the ponds

DEQ notified Tollette of the inspection results and requested a written response be submitted within 30 calendar days of the receipt of the letter.

The CAO requires that on or before the effective date of the CAO Tollette submit to DEQ a written response to the alleged violations documented in the referenced inspections. Further, on or before the effective date of the CAO, Tollette is required to comply with the CAP dated May 27th and final compliance date of August 31, 2023. A CAP, milestone schedule, and final compliance date of August 21, 2023, shall be fully enforceable as terms of the CAO. Quarterly reports are also required to be submitted.

Tollette is required to report all SSOs to DEQ in accordance with the relevant sections of the NPDES permit and demonstrate within 90 calendar days of the document's effective date it has employed a Class I wastewater operator.

The CAO requires that within 12 months of the effective date of the CAO Tollette is required to develop and submit to DEQ for review and approval a Sewer System Evaluation Study ("SSES") for its sanitary sewer collection system that is certified by an Arkansas Professional Engineer. The minimum elements of the SSES are specified in the SSO. The SSO plan must include a milestone schedule and will be fully enforceable as terms of the CAO.

A civil penalty of \$1,400 is assessed which could have been reduced to \$700 if the document was returned to DEQ within 20 calendar days of its receipt.

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