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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and Arkansas City, Arkansas (“Arkansas City”), entered into an October 4th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-100.

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

The Facility discharges treated wastewater to the Mississippi River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have received a complaint of a Sanitary Sewer Overflow (“SSO”) at the Facility’s treatment ponds on February 25th. The agency asked Arkansas City to investigate and it submitted a response indicating it could find no evidence of an overflow.

DEQ conducted a review of the certified Discharge Monitoring Reports (“DMR”) submitted by Arkansas City. Such review is stated to have indicated the following violations:

1. One (1) violation of Total Suspended Solids;
2. One (1) violation of Biochemical Oxygen Demand; and
3. Two (2) violations of Fecal Coliform Bacteria.

Arkansas City and its consultant are stated to have informed DEQ on March 1st that the Facility was in disrepair and a consultant had been employed to address SSO issues due to flooding, Inflow and Infiltration (“I&I”), and reconstruction and reinforcement of the wastewater treatment lagoon.

Arkansas City submitted a Corrective Action Plan (“CAP”), milestone schedule, and request to enter into a CAO with DEQ to address potential eminent wastewater treatment pond levee failure, possible effluent limit violations, I&I, and SSOs.

DEQ requested additional information from Arkansas City regarding the corrective actions on April 12th. It is stated to have not to date received the requested additional information.

The CAO requires that within 30 calendar days of the effective date of the CAO Arkansas City submit to DEQ, for review and approval, a revised comprehensive CAP developed by an Arkansas Professional Engineer. The CAP is required to include:

- Methods and best available technologies that will be used to correct the violations
- Methods and best available technologies to repair the mechanical equipment
- Methods and best available technologies to address the collection system I&I
- Methods and best available technologies to repair and reinforce the treatment lagoon levees

A milestone schedule is required to be included with a final date of compliance no later than December 31, 2024.

Such revised CAP is subject to review and approval by DEQ. Quarterly progress reports are required to be submitted.

A civil penalty of \$2,400 is assessed which is conditionally suspended if Arkansas City fully complies with the CAO.

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