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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the City of Danville (“Danville”) entered into a December 13th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit (“Permit”). See LIS No. 21-135.

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

The Facility discharges treated wastewater to the Petit Jean River which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

DEQ and Danville are stated to have entered into CAO Order LIS 19-067 on July 31, 2019, to address repeated effluent violations. The Facility is stated to have continued to report effluent violations and, therefore, not met the requirements of CAO LIS 19-067.

DEQ is stated to have sent Danville a letter on March 31st requesting a Revised Corrective Action Plan (“RCAP”) to address the repeated effluent violations. The RCAP is required to have a milestone schedule and a final date of compliance.

Danville submitted a RCAP with a final date of compliance of March 2022 on May 19th. DEQ subsequently approved the RCAP. However, a revised milestone schedule was requested by DEQ.

DEQ conducted a review of certified Discharge Monitoring Reports submitted by Danville in accordance with the Permit. Such review is stated to have identified the following violations:

- Eight (8) violations of Fecal Coliform Bacteria;
- Four (4) violations of Dissolved Oxygen;
- Three (3) violations of Total Suspended Solids
- Two (2) violations of Ammonia Nitrogen; and
- One (1) violation of pH.

On October 6th Danville submitted an updated milestone schedule with a final date of compliance of April 2023.

CAO LIS 19-067 is stated to be closed.

Danville is required to immediately comply with the updated milestone schedule, with a final compliance date of April 2023. The updated Corrective Action Plan, along with the additional requirements, are fully enforceable under the terms of the CAO. Further, on or before April 30, 2023, Danville is required to submit a certification of compliance from an Arkansas Professional Engineer stating the corrective actions listed in the updated milestone schedule have been completed and that the Facility is in compliance with the Permit.

Danville is required to submit quarterly progress reports and within 12 months of the effective date of the CAO develop and submit to DEQ for review and approval a Sewer System Evaluation Study (“SSES”) for its sanitary sewer system. The required elements of the SSES are described in Paragraph 5 of the CAO.

A civil penalty of \$4,800 is assessed of which \$2,400 is conditionally suspended if Danville fully complies with the CAO.

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