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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and City of Poyen, Arkansas, (“Poyen”) entered into a January 3rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 22-002.

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

The Facility is stated to discharge treated wastewater to an unnamed tributary of Big Creek which eventually flows into the Ouachita River. Such discharge is regulated pursuant to a Clean Water Act NPDES permit.

DEQ is stated to have received a public complaint on April 7, 2021, that the levees at the wastewater treatment plant did not have adequate freeboard and frequently overflowed resulting in untreated or partially treated wastewater leaving the Facility.

DEQ is stated to have conducted a reconnaissance inspection of the Facility on April 12, 2021, and May 5, 2021. The inspection allegedly identified the following violations:

- Observation of an unpermitted discharge/overflow on the eastern levee of the primary lagoon and on the western levee of the oxidation pond
- Flow meter displaying an “ERROR” message and did not indicate an accurate flow measurement.
- Operation and Maintenance violations which are alleged to include:
  - Overgrown and neglected vegetation along both the primary lagoon and the oxidation pond;
  - Less than two (2) feet of freeboard on both the primary lagoon and the oxidation pond; and
  - Blower lines located in the aeration basin were not maintained and only two of the three lines were operable.

Poyen submitted a response to DEQ regarding the inspection results which included photographic documentation that the vegetation along the primary lagoon and oxidation pond had been removed.

DEQ is stated to have performed a review of the Discharge Monitoring Reports submitted by Poyen which are stated to have indicated the following alleged violations:

- Twelve (12) violations of Ammonia Nitrogen;
- Five (5) violations of Total Suspended Solids;
- Two (2) violations of Fecal Coliform Bacteria; and
- One (1) violation of pH.

DEQ is stated to have sent Poyen a letter requesting a Corrective Action Plan (“CAP”) on June 28, 2021, to address the alleged effluent discharge limitation violations and the violations cited during the previously referenced inspections.

Poyen submitted a CAP to DEQ on July 27, 2021, with a final compliance date of September 30, 2023. Such CAP was approved by DEQ on August 6, 2021.

The CAO requires that Poyen comply with the terms, milestone schedule and final compliance date contained in the approved CAP. The milestone schedule and final compliance date are fully enforceable in terms of the CAO. Further, Poyen is required to submit an interim operating plan that describes in detail:

... the operational measures that will be undertaken to stop the unpermitted discharge observed at the wastewater treatment plant during the inspections performed on April 12, 2021, and May 5, 2021.

Quarterly reports are required to be submitted detailing progress toward compliance.

A civil penalty of \$3,600 is assessed of which \$2,600 is conditionally suspended contingent upon Poyen complying with the terms of the CAO.

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