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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Faulkner County Public Facility Board (“Board”) – d/b/a Preston Community Wastewater Utility entered into a February 17th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 22-015.

The Board is stated to operate a municipal wastewater treatment facility (“Facility”) located in Faulkner County, Arkansas.

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

Part 1, Section B of the NPDES permit is stated to have required the Board to achieve compliance with the final effluent limitations for Total Phosphorus (“TP”) within three years of the effective date of the document. Two annual progress reports are stated to have been submitted to DEQ regarding compliance with the final effluent limitations for TP.

DEQ is stated to have notified the Board on May 11, 2020, that the following Discharge Monitoring Reports (“DMRs”) were missing the Total Residual Chlorine values:

- a. September 2017;
- b. December 2017;
- c. March 2018;
- d. June 2018; and
- e. September 2018.

DEQ requested the DMRs be corrected by May 25, 2020.

The CAO provides that the Board failed to submit a final progress report to DEQ certifying that the final effluent limitations for TP were being met in the previously referenced timeframe. This is alleged to be a violation of the NPDES permit.

The Board is stated to have submitted a progress report to DEQ on October 29, 2020, detailing progress toward achieving compliance with the final effluent limitations for TP. However, the progress report is stated to have indicated that the Board was not yet in final compliance. This is alleged to be in violation of the NPDES permit.

DEQ notified the Board on November 10, 2020, for the following DMRs were missing parameter values:

- a. September 30, 2017 (Total Residual Chlorine);
- b. December 31, 2017 (Total Residual Chlorine);
- c. March 31, 2018 (Total Residual Chlorine);
- d. June 30, 2018 (Total Residual Chlorine);
- e. September 30, 2018 (Total Residual Chlorine); and
- f. February 29, 2020 (Carbonaceous Biochemical Oxygen Demand).

DEQ is stated to have conducted a review of certified DMRs on March 10, 2021, which are stated to have indicated the following violations:

- a. Fifteen (15) violations of total Phosphorus;
- b. Six (6) violations of Total Suspended Solids;
- c. Four (4) violations of Ammonia Nitrogen;
- d. Four (4) violations of Oil & Grease;
- e. Three (3) violations of Dissolved Oxygen; and
- f. Three (3) violations of Fecal Coliform Bacteria.

In response to a March 11, 2021, DEQ request, the Board submitted a Corrective Action Plan (“CAP”) to address the alleged effluent violations. DEQ subsequently deemed the CAP adequate.

The CAO requires that on or before its effective date that the Board submit to DEQ, for review and approval, an updated milestone schedule with a specific date of final compliance. Further, monthly progress reports are required.

A civil penalty of \$5,000 is assessed of which \$4,500 is conditionally suspended and dismissed contingent upon the Board complying with the terms of the CAO.

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