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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and City of Norphlet, Arkansas (“Norphlet”) entered into an April 26th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-047.

Norphlet is stated to operate a municipal wastewater treatment plant (“Facility”) in Union County, Arkansas.

The Facility is stated to discharge treated wastewater through an outfall to an unnamed tributary of Flat Creek which eventually flows to the Ouachita River. Such discharge is authorized pursuant to an NPDES permit.

DEQ and Norphlet are stated to have executed a Consent Administrative Order, LIS 16-012, on January 28, 2016, to address effluent violations. On June 8, 2017, DEQ is stated to have requested a progress report dealing with the status of wastewater wetland reconstruction. Progress reports are stated to have been submitted on various dates in regards to final compliance with the permitted effluent limitations.

Norphlet submitted a request to DEQ to extend the final compliance date and the Corrective Action Plan (“CAP”) on March 8, 2019, by 60 days. The purpose of the extension is stated to consider:

. . . how the results of a study to modify the Total Maximum Daily Load (TMDL) for minerals on Haynes Creek might affect its Permit limits.

A progress report was submitted by Norphlet on March 10, 2019, detailing Best Management Practices (“BMPs”) for Chlorides, Sulfates, and Total Dissolved Solids (“TDS”).

Norphlet notified DEQ on April 24, 2019, that the sewer discharge project had been placed on hold for 90 days to wait on a decision regarding the study to modify the TMDL on Haynes Creek.

DEQ is stated to have conducted a routine compliance inspection and a sanitary sewer overflow/collection system inspection of the Facility on June 5, 2019. The following violations were allegedly identified:

- No influent samples analyzed for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Total Suspended Solids (TSS) in the past three (3) years
- Chlorinator and aerator were not in operation
- No analyses performed on Total Residual Chlorine (TRC) for December 2017 and January 2018

DEQ received a response regarding the alleged violations from Norphlet on July 31, 2019, and subsequently met with the agency to discuss:

- Pipeline
- Facility Rehabilitation
- Repeated effluent violations

DEQ is stated to have sent a letter to Norphlet requesting that it submit the following information:

1. Complete a Professional Engineer (P.E.) assessment and review of the facility;
2. A P.E. certified and stamped CAP detailing the condition of the facility, milestones to correct the identified deficiencies and achieve compliance with the Permit, and a request to amend CAO LIS 16-012 with a revised milestone schedule and final compliance date;
3. A plan for the operator to obtain a Class II wastewater operator license;
4. The past due Total Residual Chlorine (TRC) progress report; and
5. A response to the inspection performed on June 5, 2019.

DEQ also requested coordination with its Permit Branch prior to any modification to the Facility.

Norphlet submitted a proposed CAP on August 30, 2019, and requested the amendment of the previous CAO. Further, DEQ notified Norphlet on October 29, 2019, that its prior response sufficiently addressed the violations found in the June 5, 2019, inspection. In addition, on November 7, 2019, Norphlet submitted an updated progress report.

DEQ notified Norphlet on March 3, 2020, that the annual report for Chlorides and Sulfates required by its NPDES permit had not been received. The report was subsequently submitted by Norphlet on March 4, 2020.

DEQ notified Norphlet that the TRC BMP plan in the 2019 annual report was adequate. However, it stated that the 2019 annual report does not resolve the compliance issues of the Facility and did not fulfill the requirements set forth in Part 1, Section B, Condition 2 of the NPDES permit.

DEQ subsequently notified Norphlet that the revised CAP was adequate and asked that it submit a Request to Amend CAO LIS 16-012 and an updated milestone schedule. This request was subsequently submitted by Norphlet.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports on May 26th. The review allegedly identified the following violations:

1. Thirty (30) violations of Chloride;
2. Fifteen (15) violations of Total Suspended Solids;
3. Fifteen (15) violations of Ammonia Nitrogen; and
4. Eight (8) violations of Fecal Coliform Bacteria.

This CAO closes on its effective date CAO LIS 16-012.

Within 30 calendar days of the effective date of this CAO, Norphlet is required to submit to DEQ for review and approval a revised CAP developed by an Arkansas Professional Engineer which must include the methods and best available technologies to correct the violations listed in the Findings of Fact and

prevent future violations. A reasonable milestone schedule with a final date of compliance is required to be included. Further, once approved it becomes a component of the CAO.

Quarterly progress reports are required.

A civil penalty of \$5,600 is assessed which is conditionally suspended if Norphlet fully complies with the CAO.

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