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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the City of Imboden, Arkansas, (“Imboden”) entered into a May 9th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-060.

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

The Facility is stated to discharge treated wastewater to Wayland Creek which eventually flows into the White River. Such discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have conducted a review of the certified Discharge Monitoring Reports (“DMRs”) submitted by Imboden on October 5, 2017. The review is stated to have identified the following alleged violations:

- Eight (8) violations of Total Suspended Solids;
- Two (2) violations of Dissolved Oxygen; and
- One (1) violation of Carbonaceous Biochemical Oxygen Demand

In response to a DEQ request, Imboden on November 29, 2017, submitted a Corrective Action Plan (“CAP”) to address alleged violations with a final compliance date of August 1, 2018. Such plan was subsequently approved with a caveat that a certification of compliance must be provided to DEQ by August 30, 2018, and signed by an Arkansas Professional Engineer who states that the corrective actions have been completed and the Facility is in compliance with the effluent limits of the NPDES permit.

Imboden is stated to have submitted a CAP progress report on August 29, 2018. Further, on October 12, 2018, a revised CAP was provided to DEQ that had a final compliance date of July 1, 2019.

DEQ notified Imboden on November 6, 2018, that the revised CAP was approved with the following comments:

1. Continue implementing the corrective actions in accordance with the milestone schedule in the revised CAP submitted to DEQ on October 12, 2018; and

2. Submit a certification of compliance or a revised CAP, prepared by a PE. licensed in the state of Arkansas, to DEQ by July 31, 2019.

Imboden is stated to have submitted neither the certification of compliance nor the revised CAP to DEQ by July 31, 2019.

DEQ is stated to have conducted a review of certified DMRs on September 23, 2021, and identified the following effluent violations:

1. Eleven (11) violations of Total Suspended Solids;
2. Five (5) violations of Fecal Coliform Bacteria;
3. Five (5) violations of Carbonaceous Biochemical Oxygen Demand;
4. Three (3) violations of Ammonia Nitrogen;
5. Three (3) violations of Dissolved Oxygen; and
6. Two (2) violations of pH

DEQ and Imboden are stated to have met on September 30, 2021, to discuss the alleged effluent violations and a request was made by DEQ to develop a revised CAP. In response to the request by DEQ, Imboden submitted a revised CAP to DEQ on November 3, 2021, which had a final compliance date of November 30, 2023. The revised CAP was approved by DEQ on November 10, 2021.

The CAO requires that Imboden comply with the terms, milestone schedule, and final compliance date of November 30, 2023, contained in the approved revised CAP. Further, the milestone schedule and final compliance date shall be fully enforceable as terms of the CAO. Quarterly progress reports are required.

A civil penalty of \$4,800 is assessed which could have been reduced to \$2,400 if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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