



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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

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Arkansas Department of Energy & Environment - Division of Environmental Quality (“DEQ”) and Waste Water Management, Inc. (“WWMI”) entered into a June 23rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-073.

The CAO provides that WWMI operates a domestic wastewater treatment facility (“Facility”) in Conway, Arkansas. The Facility discharges treated wastewater to an unnamed tributary of Palarm Creek, which eventually flows into the Arkansas River. Such discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by WWMI. The review is stated to have identified the following violations:

1. Five violations of Fecal Coliform Bacteria;
2. Four violations of Total Phosphorus;
3. Three violations of Ammonia Nitrogen; and
4. One violation of Carbonaceous Biochemical Oxygen Demand.

Further, the review of DMRs is stated to have indicated that WWMI reported an invalid No Data Indicator (“NODI”) Code P to denote “Laboratory Error or Invalid Test” for the monitoring period ending March 21, 2021. It further states that although Non-Compliance Report (NCR) was submitted to explain the reason for reporting the invalid NODI Code, failure to report sample results for the permitted parameter is a violation of the NPDES permit.

A request for a Corrective Action Plan (“CAP”) was sent by DEQ on September 9, 2021, to WWMI to address the alleged violations of the permitted effluent discharge limitations. A milestone schedule and

associated requirements were requested which included the contract laboratory name, laboratory data, and chain-of-custody records from February 1, 2020 to July 31, 2021.

WWMI is stated to have submitted to DEQ:

- Contract laboratory name
- Laboratory data
- Chain-of-custody records
- A CAP with a final compliance date of March 1, 2023, to finish construction of Phase 2

DEQ approved the CAP and requested a frequency schedule for the operator's inspections and bi-monthly progress reports.

WWMI submitted a revised CAP to include the minimum inspection frequency schedule for the operator with the same final compliance data.

DEQ is stated to have conducted a follow-up review of certified DMRs on November 15, 2021, associated with the Permit from August 1, 2021 through September 30, 2021. Such review is stated to have indicated WWMI reported invalid NODI Codes 8 and P to denote "Other (See Comments)" and "Laboratory Error or Invalid Test," respectively, for monitoring periods ending August 31, 2021, and September 30, 2021.

The follow-up review of the DMRs is also stated to have indicated that WWMI failed to conduct analysis for Total Suspended Solids and Carbonaceous Biochemical Oxygen Demand for the monitoring period ending August 31, 2021.

The CAO requires that WWMI comply with terms, milestone schedule, and final compliance date contained in the revised CAP which are fully enforceable as terms of the CAO. Quarterly progress reports are also required.

WWMI is required to correct the August 2021 DMR that contained the invalid NODI Code 8 for parameters Nitrate+Nitrite-Nitrogen and Fecal Coliform Bacteria.

A civil penalty of \$6,000 is assessed of which \$4,600 is conditionally suspended contingent upon compliance with the terms of the CAO.

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