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

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and City of Pollard, Arkansas, ("Pollard") entered into a June 29th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 22-076.

The CAO provides that Pollard operates a municipal wastewater facility ("Facility") in Clay County, Arkansas.

The Facility is stated to discharge treated wastewater to Horse Creek which eventually flows to the White 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 Pollard in accordance with the NPDES permit. The review was stated to have indicated the following violations:

1. Forty-five violations of Ammonia Nitrogen;
2. Eight violations of Total Suspended Solids;
3. Six violations of Carbonaceous Biochemical Oxygen Demand;
4. Two violations of Dissolved Oxygen; and
5. Two violations of Fecal Coliform Bacteria.

DEQ requested on September 23, 2021, a Corrective Action Plan ("CAP") to address the alleged violations of the permitted effluent discharge limitations. The CAP was to have a milestone schedule, a final compliance date, and be certified by an Arkansas Professional Engineer. Further, it was to be submitted by October 29, 2021.

A Zoom meeting was held on December 7, 2021, to discuss the alleged violations and the CAP. Pollard requested an extension of the CAP submittal due date to February 1, 2022.

Pollard submitted through its engineer, a CAP on January 20, 2022, detailing the corrective actions to be taken with a milestone schedule and a final compliance date of May 1, 2024.

DEQ approved the CAP on February 18, 2022, with the following comment:

A State No-Discharge Permit would be required for the land application of wastewater.

The CAO requires that Pollard immediately comply with the CAP and final compliance date of May 1, 2024. The milestone schedule and final compliance date are fully enforceable as terms of the CAO. Further, quarterly reports are required.

A civil penalty of \$4,800 is assessed which is conditionally suspended if Pollard fully complies with the CAO.

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