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

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and the City of Rector, Arkansas ("Rector") entered into a May 24th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 22-062.

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

The Facility is stated to discharge treated wastewater to an unnamed tributary which eventually flows to the St. Francis River. Such discharge is authorized pursuant to an NPDES permit.

Rector and DEQ are stated to have entered into CAO LIS No. 22-122 to continue permit coverage until a renewal permit was issued. The reason for CAO LIS No. 22-122 was because Rector did not submit a timely administratively complete permit renewal application.

DEQ conducted a review of certified Discharge Monitoring Reports ("DMRs") on January 8, 2020, that identified the following alleged violations:

1. Seven (7) violations of Total Suspended Solids;
2. Seven (7) violations of Carbonaceous Biochemical Oxygen Demand;
3. Twelve (12) violations of Ammonia Nitrogen; and
4. One (1) violation of Dissolved Oxygen.

DEQ notified Rector on January 8, 2020, of the alleged violations and requested a Correction Action Plan ("CAP"). The CAP was to have a milestone schedule, a final date of compliance, and be certified by an Arkansas Professional Engineer.

Rector submitted a CAP to DEQ on February 7, 2020, with a final compliance date of February 28.

A revised CAP ("RCAP") with a final compliance date of September 30, 2023, was subsequently approved by DEQ. Quarterly reports were required which have not been submitted to date.

A follow-up review of DMRs was conducted by DEQ on February 28th. The review is stated to have indicated the following violations:

1. Twenty-One (21) violations of Carbonaceous Biochemical Oxygen Demand;
2. One (1) violation for Fecal Coliform Bacteria;
3. Seven (7) violation for Ammonia Nitrogen;
4. Sixteen (16) violations for Dissolved Oxygen;
5. One (1) violation for pH; and
6. Twenty-Five (25) violations for Total Suspended Solids.

A revised RCAP was submitted on April 11th with a final compliance date of July 31, 2025. DEQ subsequently deemed the RCAP adequate.

The CAO requires that Rector comply with the RCAP and all permitted effluent limits no later than the final compliance date of July 31, 2025. Further, within 60 calendar days of the effective date of the CAO Rector is required to submit an interim operating plan that describes the operational measures that will be undertaken to maximize the removal efficiency of all pollutants covered by the NPDES permit consistently. In addition, within 90 calendar days of the effective date of the CAO Rector is required to submit to DEQ a copy of the Operations and Maintenance Manual for the operator's use in the operation of Rector's wastewater treatment system.

Quarterly progress reports are required.

A civil penalty of \$5,600 is assessed of which \$3,600 is suspended conditionally upon Rector's full compliance with the CAO.

The CAO can be downloaded [here](#).