



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

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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and City of Wilmot, Arkansas, (“Wilmot”) entered into a September 29th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-101.

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

The Facility discharges treated wastewater to Bayou Bartholomew which eventually moves into the Ouachita River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have entered into a CAO LIS 11-066 to address alleged violations in 2011. The CAO contained a milestone schedule detailing corrective actions that needed to be undertaken with a final compliance date of March 1, 2018.

An amended CAO LIS 11-066-001 was entered into in 2019 changing the compliance date to June 30, 2020. Further, on January 24, 2020, an amended CAO was entered into which extended the final compliance date from June 30, 2020, to September 1, 2020.

Wilmot notified DEQ on January 11, 2021, that construction had begun at the Facility. However, the CAO provides that performing construction activity without having an issued a state construction permit from DEQ is a violation of Arkansas Pollution Control and Ecology Commission Rule 6.202(A).

An updated construction schedule is stated to have been submitted to DEQ on March 25, 2021. Further, on July 22, 2021, DEQ and Wilmot entered into an amended CAO LIS 11-066-003 to extend the final compliance date from September 1, 2020, to October 31, 2021.

Wilmot submitted a total Residual Chlorine (“TRC”) Best Management Practices (“BMP”) plan in accordance with the NPDES permit. The plan detailed actions that would be taken to reduce TRC and also documented updates that had been made at the Facility.

DEQ notified Wilmot via letter that the TRC DMP Plan was deemed adequate with certain comments:

- NPDES permit does not enforce a TRC limit at this time.

- Provide a milestone schedule of BMPs' implementation for all steps and an estimated date when the reduced TRC levels will be achieved.
- A State Construction Permit must be obtained before any significant changes to the treatment system are made.
- Once construction is complete, a certification from a Professional Engineer licensed in the state of Arkansas stating that construction is complete should be submitted.

Wilmot submitted an amended TRC BMP Plan with a milestone schedule to reduce TRC levels by November 1, 2022.

Wilmot is required to submit on or before the effective date of the CAO a certification from an Arkansas Professional Engineer stating that construction is complete. Construction activities that have been performed are required to be detailed and equipment installed. The plans and specifications including certification that the plans and specifications comply with 10 States Standards must also be submitted.

Wilmot is also required to comply with the amended TRC BMP Plan and include a milestone schedule with a final compliance date of November 1, 2022.

A civil penalty of \$250 is assessed.

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