

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



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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and City of Wrightsville, Arkansas, ("Wrightsville") entered into an October 10th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 22-104.

Wrightsville is stated to operate a municipal wastewater treatment plant ("Facility") in Pulaski County, Arkansas.

The Facility discharges treated municipal wastewater from a force main to the confluence of Fourche Bayou and the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

DEQ and Wrightsville are stated to have entered into a Consent Administrative Order (LIS 16-095) and Amended Consent Administrative Order (LIS 16-095-001) in 2016 and 2017, respectively. These documents are stated to have addressed repeated effluent violations, improper operation and maintenance, and improper reporting. The Amended CAO contained a final compliance date of March 1, 2019, for which Wrightsville submitted a Certification of Compliance on September 30, 2019.

DEQ is stated to have conducted a routine compliance evaluation inspection of the Facility on April 23, 2020. The inspection is stated to have indicated the following violations:

- Flow measurements reported on the Discharge Monitoring Reports ("DMRs") for the month of November 2019 were inconsistent with the flow measurement records on the flow data sheet maintained at the Facility
- Lack of a primary flow measuring device
- Improper operation and maintenance of the Facility

DEQ is stated to have notified Wrightsville on two occasions of the inspection results to which the city eventually responded on September 10, 2020. Wrightsville sufficiently addressed the violations identified during the inspections.

DEQ conducted a review of certified DMRs submitted by Wrightsville on October 11, 2020. Such review is stated to have indicated the following violations of the permitted effluent discharge limits:

1. Seven (7) violations of Fecal Coliform Bacteria;
2. Five (5) violations of Total Suspended Solids;
3. Four (4) violations of Carbonaceous Biochemical Oxygen Demand; and
4. One (1) violations of pH.

DEQ requested a Corrective Action Plan (“CAP”) on October 11, 2021, to address the effluent violations which was to include a milestone schedule, final date of compliance, and be certified by an Arkansas Professional Engineer.

A CAP was submitted to DEQ on November 9, 2021, with a final compliance date of April 2022. DEQ approved such CAP. Further, Wrightsville submitted a progress report to DEQ on December 15, 2021, and a Revised CAP with a final compliance date of May 2023.

On December 28, 2021, DEQ conducted a follow-up review of certified DMRs submitted by Wrightsville. The review is stated to have indicated the following violations of the permitted effluent discharge limits:

- Eleven(1) violations of Total Suspended Solids;
- Four (4) violations of Fecal Coliform Bacteria;
- Five(5) violations of Carbonaceous Biochemical Oxygen Demand; and
- One (1) violation of pH.

The review of the DMRs is also stated to have indicated that the daily flow volume regularly exceeded the treatment plant design flow. In addition, DEQ determined through a review of analytical laboratory reports submitted with the DMRs that the analysis of certain samples was undertaken incorrectly.

The CAO also identified certain submittals that are required to be prepared which include:

- Best Management Practices (“BMPs”) for the reduction of TRC

Wrightsville submitted a TRC BMP report indicating that it would address the correctional facility to use less chlorine in its laundry operations and implement a sampling program to test for TRC. A TRC report was submitted by Wrightsville on November 8, 2018, and it was indicated that a meeting would be set up with the correctional facility to address its discharge. CAP quarterly reports were submitted on April 26th which addressed the TRC BMP plan.

Wrightsville entered into a Wastewater System Purchase Agreement (“Agreement”) on September 6, 2021, with Central Arkansas Water (“CAW”). Under the terms of the Agreement CAW will provide Wrightsville immediate operational and maintenance support, hire a Professional Engineer to conduct a study of the system that will identify all corrective actions necessary for consistent compliance and may take ownership of the system on January 1, 2023. Wrightsville authorized CAW’s engineer on September 8th to work with DEQ on its behalf to facilitate the terms of the CAO in view of the potential pending ownership transition.

The CAO requires that Wrightsville collaborate with CAW and its engineer (Hawkins-Weir [“HW”]) for the completion of the feasibility study and Revised CAP. In addition, Wrightsville will allow CAW to make immediate short-term repairs necessary for compliance, if any, and consider recommendations for modification to operational and sampling practices, if any. However, the CAO provides that CAW and HW’s involvement does not resolve Wrightsville’s responsibility for compliance. If the transaction with CAW should fail to be completed, Wrightsville shall still be bound by the terms of the CAO.

Wrightsville is required to submit a Revised CAP to DEQ on or before December 31st for review and approval. A milestone schedule and final compliance date must be included and will be enforceable as terms of the CAO. Further, on or before the final compliance date listed in the Revised CAP, Wrightsville shall submit a certification of compliance from an Arkansas Professional Engineer stating that the corrective actions listed in the Revised CAP have been completed and that the city is in compliance with

the permit. Quarterly progress reports are required. In addition, all samples must be analyzed in accordance with 40 C.F.R. § 136.

Wrightsville is required to submit to DEQ within 60 calendar days of the effective date of the CAO for review and approval an updated TRC BMP plan that includes a milestone schedule for development and implementation of BMPs and a final date not to exceed December 31, 2023. TRC levels must be reduced by such date. On or before the compliance date, Wrightsville is required to submit a certification of compliance from an Arkansas Professional Engineer stating that the BMPs listed in the approved TRC BMP plan have been implemented and the city is in compliance with the permit. Further, quarterly progress reports are required until reduced TRC levels are achieved, or the CAO is closed.

Finally, within 90 calendar days of the effective date of the CAO, Wrightsville is required to submit to DEQ for review and approval a comprehensive Sanitary Sewer Flow Monitoring and Infiltration and Inflow Study developed by an Arkansas Professional Engineer which shall include at a minimum:

- A baseline for sanitary sewer flows
- Rainfall monitoring
- An estimate of available sewer capacity
- Identification of sources of I/I
- An estimation of I/I
- A plan and milestone schedule for reducing I/I with a reasonable date of final compliance
- Methods and best available technologies that will be used to reduce I/I

Once approved by DEQ, the milestone schedule and final compliance date shall be fully enforceable as terms of the CAO.

A civil penalty of \$5,200 is assessed of which \$4,200 is conditionally suspended if Wrightsville fully complies with the CAO.

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