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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and the City of Parkin, Arkansas, entered into an October 22nd Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 22-106.

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

The Facility discharges treated wastewater to the St. Francis River. Such discharge is authorized pursuant to an NPDES permit.

The NPDES permit requires Parkin to submit a complete permit renewal application at least 180 days prior to the expiration of the NPDES permit if the regulated activity is to continue after the expiration date. The CAO states that Parkin intends to operate the Facility beyond the expiration date.

DEQ is stated to have not received a complete permit renewal application by the required date, violating the NPDES permit.

A routine compliance evaluation inspection of the Facility was conducted on January 14, 2021. The following alleged violations were stated to have been identified:

- Failure to maintain lagoon levees by not removing excess vegetation constituting improper operation and maintenance of the Facility
- Failure to have a wastewater operation with a current license
- Discharge from Outfall 001 at the time of the inspection
- Failure to monitor according to the required sampling frequency
- Failure to calculate a percentage removal for CBOD and total suspended solids

Parkin responded to a request from DEQ to address the alleged violations. On April 7, 2021, DEQ conducted a review of Parkin's inspection response and identified the following deficiencies:

- Wastewater treatment operator license was inactive
- No photographic evidence of vegetation removal
- No photographic evidence of chlorine usage during a discharge

DEQ conducted a review of the certified Discharge Monitoring Reports (“DMRs”) on May 10, 2021. The review is stated to have indicated that Parkin reported No Data Indicator Code (NODI) for every monitoring period from April 1, 2018, through March 31, 2021. As a result, DEQ states that there was a failure to report and sample effluent discharge that occurred during the January 2021 monitoring period.

The CAO requires that on or before its effective date that Parkin submit an administratively complete permit renewal application and comply with the existing permit until either the effective date of the permit renewal or the effective date of the permit termination.

Within 30 calendar days of the effective date of the CAO, Parkin is required to submit photographic documentation that vegetation observed on the lagoon levees has been removed. Further, within 90 days of the effective date of the CAO, Parkin is required to submit to DEQ documentation they have employed or contracted with a wastewater operator who holds at a minimum a current and valid Class I wastewater operator license.

Parkin is required before the effective date of the CAO to correct the DMR with the monitoring period end date of January 31, 2021, to reflect the sample results from samples collected during the monitoring period. If such samples were not taken, then Parkin must report analysis not conducted. Further, Parkin is required to record and sample all discharges and report the flow and sample results in accordance with the permit and submit to DEQ monthly flow monitoring records that show the flow that has been monitored in accordance with the permit.

Within 60 calendar days of the effective date of the CAO, Parkin is required to submit to DEQ a report showing the calculated percentage of removal for CBOD and TSS in the effluent.

A civil penalty of \$4,600 is assessed of which \$4,100 is conditionally suspended if Parkin fully complies with the CAO.

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