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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Cleveland County School District Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Woodlawn School District #6 ("Woodlawn") entered into a December 15th Consent Administrative Order ("CAO") addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 23-006.

The CAO provides that Woodlawn operates a school with a wastewater treatment facility ("Facility") in Cleveland County, Arkansas.

The Facility discharges treated wastewater to an unnamed tributary that eventually flows into the Ouachita River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitored Reports ("DMRs") submitted by Woodlawn. DEQ conducted such review on June 23, 2021.

The review is stated to have indicated that the following violations of permitted effluent discharge limits were reported:

1. Eight (8) violations of Total Suspended Solids;
2. Eight (8) violations of Oil & Grease;
3. Eight (8) violations of Fecal Coliform Bacteria;
4. Seven (7) violations of Ammonia Nitrogen;
5. Two (2) violations of Biochemical Oxygen Demand; and
6. One (1) violations of pH.

DEQ is stated to have sent Woodlawn on June 23, 2021, a letter requesting a Corrective Action Plan ("CAP") which was to include the following:

- A milestone schedule
- A final date of compliance
- Be certified by a Professional Engineer licensed in the State of Arkansas

Woodlawn submitted a CAP to DEQ with a final compliance date of August 15, 2022. DEQ subsequently approved the CAP and requested quarterly progress reports.

Quarterly progress reports were submitted to DEQ on the following dates:

- August 13, 2021
- November 15, 2021
- May 13, 2022
- August 12, 2022

DEQ conducted on July 29, 2022, a review of certified DMRs submitted by Woodlawn. Such review is stated to have indicated the following violations had been reported:

1. Sixteen (16) violations of Ammonia Nitrogen; and
2. One (1) violations of Total Suspended Solids.

The CAO requires that within 30 days of its effective date Woodlawn submit to DEQ for review and approval a Revised CAP (“RCAP”) developed by an Arkansas Professional Engineer. The RCAP is required to include, at a minimum, the methods and best available technologies that will be used to correct the violations listed in the Findings of Fact and prevent future violations. It is also required to include a reasonable milestone schedule with a final compliance date no later than December 31, 2023. Upon review and approval by DEQ, Woodlawn is required to comply with the terms, milestone schedule, and final compliance date.

Quarterly reports are required until the CAO is closed.

A civil penalty of \$7,200 is assessed which is conditionally suspended if Woodlawn fully complies with the document.

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