

Arkansas Department of Energy & Environment – Division of Environmental Quality and City of Swifton Enter into Consent Administrative Order



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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the City of Swifton, Arkansas, (“Swifton”) entered into a January 19th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 23-009.

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

The Facility is stated to discharge treated wastewater to Cattail Creek which eventually flows to the White River. Such discharge is regulated pursuant to a Clean Water Act NPDES permit.

DEQ is stated to have issued an NPDES permit to Swifton on October 28, 2014, that has an expiration date of October 31, 2019. The permit coverage was administratively continued pursuant to Arkansas Pollution Control & Ecology Commission Rule 6.21 until DEQ issued a renewal permit on November 17, 2020.

DEQ is stated to have conducted a routine compliance sampling inspection of the Facility on various dates in 2019 which were stated to have indicated the following violations:

- Exceedance of ammonia nitrogen concentration limit
- Failure to perform routine calibration checks on the Ultrasonic Flowmeter
- Failure to sample the effluent discharge for the monitoring period of April 1-30, 2019
- Failure to operate and maintain the Facility properly as required by the NPDES permit

A Sanitary Sewer Overflow (“SSO”) and Collection System Inspection of the Facility was conducted on May 8, 2019, which is stated to have indicated the following violations:

- a. The Ada Street and Westside Pump Station hatches were unlocked due to cord placement.
- b. The Ada Street and Westside Pump Stations did not have guards on moving equipment.
- c. Emergency lights at all pump stations were non-operational.

DEQ notified Swifton of the inspection results pursuant to a July 8, 2019, letter and Swifton failed to provide a written response. A response was not provided to subsequent DEQ letters.

DEQ is stated to have received a complaint that raw sewage was being pumped into a ditch and drainage system on December 12, 2021. On the same date DEQ performed a SSO and Reconnaissance Wastewater Treatment Plant Inspection which is stated to have indicated the following violations:

- Unpermitted discharge of untreated sewage from the collection into a ditch
- Woody vegetation around the lagoon levees and in a small area of the rock filter bed

DEQ is stated to have received a complaint that the Facility was pumping raw sewage into a ditch that flows into Village Creek on January 3, 2022.

A meeting was held between DEQ and Swifton via Zoom on March 7, 2022, to discuss the recent complaints and unpermitted discharges. DEQ notified Swifton of the December 27, 2021, inspection results but received no response.

On April 7, 2022, DEQ conducted a review of certified Discharge Monitoring Reports (“DMRs”) which indicated the following effluent limit violations:

1. Nine (9) violations of Total Suspended Solids;
2. Four (4) violations of Carbonaceous Biochemical Oxygen Demand;
3. Three (3) violations of Ammonia Nitrogen;
4. One (1) violation of Fecal Coliform Bacteria;
5. One (1) violation of Dissolved Oxygen; and
6. One (1) violation of Total Residual Chlorine.

The review of the DMRs is also stated to have indicated that Swifton failed to conduct analyses for a referenced monitoring period. In addition, Swifton is stated to have reported no discharge on the DMR for the monitoring period ending May 31, 2019, but DEQ is stated to have documented a discharge from the Facility on May 8, 2019.

A review of the DMRs is stated to have indicated that Swifton reported the following DMRs after the due date of the respective DMR for the following time periods:

1. 2019: February, April, May, June, and July;
2. 2020: April and October; and
3. 2021: December.

DEQ conducted a review of the SSOs reported by Swifton for the period January 1, 2019, through February 28, 2022. Such review is stated to have indicated that Swifton reported four SSOs totaling approximately 35,000 gallons.

The CAO requires that Swifton:

- Cease all unpermitted discharges of untreated wastewater from its collection system.
- Sample the effluent in accordance with the relevant sections of the permit
- Submit DMRs in accordance with the relevant sections of the permit

Within 30 calendar days of the effective date of the CAO, Swifton is required to submit to DEQ for review and approval a comprehensive Corrective Action Plan (“CAP”) developed by an Arkansas Professional Engineer which shall include, at a minimum, the methods and best available technologies that will be used to correct the violations and prevent future violations. A reasonable milestone schedule with a date of final compliance no later than December 31, 2024, shall be included. Quarterly progress reports are required.

Swifton is also required to correct the DMR for the monitoring period ending May 31, 2019, as provided in Paragraph 6 of the Order and Agreement of the CAO. In addition, it is required to submit an Interim Operating Plan that describes in detail the operational measures that will be undertaken to prevent SSOs. An adequate response to the previously referenced inspections is also required.

A civil penalty of \$9,200 is assessed of which \$7,200 is conditionally suspended if Swifton fully complies with the CAO.

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