

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



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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the City of Morrilton, Arkansas, (“Morrilton”) entered into a December 12th Consent Administrative Order (“CAO”) addressing an alleged violation of a No-Discharge Water Permit (“Permit”). See LIS No. 23-100.

Morrilton is stated to operate a decentralized wastewater treatment system with drip irrigation dispersal of treated wastewater from the wastewater plant (“Facility”).

DEQ issued the Permit to Morrilton on April 19, 2017. The Permit is stated to have become effective on May 1, 2017, and expired on April 30, 2022.

The CAO provides that Morrilton has operated the Facility beyond the expiration date of the expired Permit.

Morrilton is stated to have submitted a permit renewal application on March 17, 2022, and then subsequent additional information. However, the permit renewal application is stated to have not been received by November 1, 2021, therefore it is alleged that this is a violation of Part III, Condition 23 of the Permit.

DEQ is stated to have received a complaint that untreated wastewater was being discharged into a creek on February 28, 2022. A DEQ inspector is stated to have visited the site and found no evidence of discharge at that time.

A reconnaissance compliance evaluation inspection of the Facility was conducted on April 1, 2022. The inspection is stated to have indicated the following violations:

- Constructing or using a new outlet for the discharge of waste into waters of the state without a permit
- Discharging partially treated wastewater from the treatment pond to waters of the state

DEQ is stated to have instructed Morrilton by letter to take immediate actions regarding the alleged unpermitted discharges and requested a Wastewater Capacity and Pond Evaluation Plan (“WCPEP”).

A WCPEP was submitted to DEQ on June 22, 2022, on which the agency commented.

A WCPEP Work Plan was submitted to DEQ on November 16, 2022, with an anticipated final date of compliance of December 15, 2025.

The CAO references a notification by Morrilton on February 12th that it began an emergency bypass and unpermitted discharge on February 13th and would collect a wastewater sample. Additional sampling was requested by DEQ. The emergency bypass unpermitted discharge is stated to have ceased on March 27th. Such discharges of partially treated wastewater is stated to be an unpermitted discharge and a violation of Part II, Condition 11 of the Permit.

Morrilton submitted the 2021 Annual Report for the Permit to DEQ on April 22, 2022. DEQ is stated to have identified an exceedance of Fecal Coliform Bacteria and exceedances of the Plant Available Nitrogen rates set forth in the Permit, violating Part 1, Table 1 of the Permit.

The CAO requires that Morrilton comply with the existing Permit until either the effective date of the Permit renewal or the effective date of the Permit termination. Further, Morrilton is required to immediately report all sanitary sewer overflows with requirements specified by the CAO.

Morrilton is also required within 30 calendar days of the effective date of the CAO to submit a progress review detailing the work performed under the November 2, 2022, WCPEP Work Plan. In addition, within 60 calendar days of the effective date of the CAO Morrilton is required to submit to DEQ for review and approval a revised comprehensive Corrective Action Plan ("CAP") developed by an Arkansas professional Engineer which is required to include various specified information. Quarterly progress reports are also required.

The CAO also requires that Morrilton submit the following to DEQ within 60 calendar days of its effective date:

- A Haul Off Action Plan
- A Preliminary Engineer Report evaluating wastewater management alternatives, specifically discharge to a regional wastewater treatment facility and replacement of the current wastewater treatment plant with a traditional point-source discharge wastewater treatment plant

Within 12 months of the CAO's effective date Morrilton must submit for review and approval a Sewer System Evaluation Study ("SSES") for its sanitary sewer collection system. The SSES must be certified by an Arkansas Professional Engineer and include certain elements as specified in the CAO.

A civil penalty of \$21,800 is assessed of which \$11,800 is conditionally suspended dependent upon Morrilton's full compliance with the CAO.

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