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# Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Sherwood Sewer Improvement District Enter into Consent Administrative Order

02/21/2024

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Runyan Sewer Improvement District No. 221 (“Runyan”) entered into a January 30th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24-019.

The CAO provides that Runyan operates a sewer improvement district (“Facility”) in Sherwood, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary which eventually flows into the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted on April 27, 2023, a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Runyan in accordance with the NPDES permit. The review is stated to have identified the following violations of the effluent discharge limits:

1. Sixty-three (63) violations of Fecal Coliform Bacteria;
2. Twenty-six (26) violations of Dissolved Oxygen;
3. Seventeen (17) violations of Total Suspended Solids;
4. Fifteen (15) violations of pH; and
5. Seven (7) violations of Ammonia Nitrogen.

A review of the DMRs is also stated to have indicated that Runyan failed to submit Non-Compliance Reports (“NCRs”) for each of the effluent violations listed above.

DEQ and Runyan met to discuss the violations on May 4, 2023. Further, on October 17, 2023, DEQ conducted a follow-up review of the DMRs which indicated the following violations of effluent discharge limits:

1. Eight (8) violations of Fecal Coliform Bacteria;

2. Six (6) violations of Total Suspended Solids;
3. Two (2) violations of Dissolved Oxygen; and
4. One(1) violation of pH.

The review of the DMRs is also stated to have indicated that Runyan had still not submitted any NCRs for the alleged violations reported despite DEQ requesting them during the May 4, 2023, meeting.

The CAO requires that within 30 calendar days of its effective date that Runyan submit to DEQ for review and approval a comprehensive Corrective Action Plan ("CAP") developed by an Arkansas Professional Engineer. The CAP is required to include, at a minimum, the methods and best available technologies to be used to correct the violations and prevent future violations. It is also required to identify a system that will be implemented to ensure that Runyan meets all reporting requirements set forth in the NPDES permit. A reasonable milestone schedule is required with a date of final compliance no later than December 31, 2016. Upon review and approval by DEQ, Runyan is required to comply with the terms, milestone schedule, and final compliance date contained in the approved CAP which will be fully enforceable terms of the CAO.

Quarterly progress reports are required.

Runyan is also required to submit to DEQ complete NCRs detailing each effluent limit violations and the actions taken to address the effluent limit violations that occurred between June 1, 2020, and May 31, 2023.

A civil penalty of \$8,350 is assessed which could have been reduced to one-half if the CAO was returned to DEQ within 20 calendar days of its receipt.

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