

# Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and City of Greenbrier 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 City of Greenbrier (“Greenbrier”) entered into an April 15th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24-071.

The CAO provides that Greenbrier operates a minor wastewater treatment plant (“Facility”) in Faulkner County, Arkansas.

The Facility discharges treated wastewater into Greenbrier Creek which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

Greenbrier is stated to have reported to DEQ on August 23, 2022, that a sewage pipe in their collection system had ruptured causing an unpermitted discharge. Photographs of the ruptured pipe and pictures of the pipe identifying its repair were provided to DEQ. Such release of untreated sewage from the collection system is stated to constitute an unpermitted discharge in violation of the NPDES permit.

DEQ is stated to have received a notice from the Arkansas Department of Emergency Management on September 12, 2022, that the Faulkner County Local Coordinator reported a release of raw sewage impacting a residential pond and Greenbrier Creek. The cause of the release was stated to be a ruptured sewer pipe. Repairs had been made to the sewer pipe. The report is stated to have also indicated that a release occurred during the previous month and that the pipe had been fixed.

Greenbrier sent DEQ a notification with photographs of the permanent fix to the sewage pipe that ruptured causing an unpermitted discharge.

DEQ and representatives of Greenbrier met on September 29, 2022, to discuss the unpermitted discharge, along with various compliance issues and future corrective actions. Greenbrier is stated to have indicated that some components of the treatment system were not operational at the time.

Greenbrier submitted a Corrective Action Plan (“CAP”) to DEQ on October 28, 2022, to address improvements to the collection system and wastewater treatment plant. The CAP is stated to have had a

date of August 31, 2023, for finalizing a master plan for all the necessary corrective actions. The CAP was subsequently approved by DEQ.

DEQ conducted a review of certified Discharge Monitoring Reports on January 5th. The review is stated to have identified the following violations:

1. Thirty-two violations of pH
2. Four violations of Fecal Coliform Bacteria
3. One violation of Dissolved Oxygen

The CAO requires that Greenbrier conduct quarterly inspections of the pipe segment that ruptured on August 23, 2022, and adjacent pipe segments. Various information is required to be provided to DEQ. In addition, such records must be kept on file for three years. Twenty-four-hour requirements are also mandated.

Greenbrier is also required to submit an updated milestone schedule with a final compliance date to DEQ regarding the previously referenced master plan. Quarterly reporting is also required.

A Sanitary Sewer Overflow Response Plan that identifies measures to protect the public health and environment is required to be prepared within 30 calendar days of the effective date of the CAO.

A civil penalty of \$4,600 is assessed which could have been reduced by one-half if the document was returned to DEQ within 20 calendar days of its receipt.

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