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

06/06/2024

The Arkansas Department of Energy and Environment – Division of Environmental Quality and City of Magnolia, Arkansas entered into a March 1st consent administrative order (“CAO”) addressing alleged Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) violations. See LIS No. 24-042

The CAO provides that Magnolia operates a major municipal wastewater treatment facility (“facility”) in Columbia County, Arkansas.

The facility is stated to discharge treated wastewater to Big Creek which eventually flows into the Red River. Such discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have sent Magnolia letter on February 27 and May 8th, 2023, regarding reported violation of effluent discharge elimination limitations. Further, DEQ is stated to have conducted a review on August 1, 2023, of certified discharge monitoring reports (“DMRs”) submitted by the facility.

Such review is stated to have identified that violations of the effluent discharge limits from February 1, 2019, through June 30, 2023 occurred.

- Sixteen ( 16) violations of Ammonia Nitrogen;
- Three (3) violations of Total Suspended Solids;
- Three (3) violations of Total Recoverable Lead;
- Two (2) violations of Total Residual Chlorine; and
- One (1) violations of Fecal Coliform Bacteria.

The review of the DMRs is also stated have indicated that the facility failed to submit non-compliance reports (“NCRs”) for effluent violations reported during the following two monitoring periods:

- 2021: August, September

The DMR reviews also stated to have indicated that Magnolia reported no data indicator code M, Laboratory error invalid test, for total recoverable lead for the monitoring period ending June 30, 2022 violating the NPDES permit.

A review of the sanitary sewer overflows (“SSOs”) reported by the facility for the period of February 1, 2019, through June 30, 2023, was conducted. Such review was stated to have indicated that twelve SSOs totaling over 33 million gallons were reported. Each SSO is stated to be unpermitted discharge.

DEQ conducted a review of the DMRs on January 25, 2024, and the following effluent discharge limitation violations were reported:

- One (1) violation of Ammonia Nitrogen; and
- One ( 1) violation of Carbonaceous Biochemical Oxygen Demand.

The CAO requires that within 30 days of its effective date Magnolia submit to DEQ for review and approval a comprehensive corrective action plan (“CAP”) developed by an Arkansas professional engineer. It is required to include at a minimum, the methods and best available technologies that will be used to identify and correct the cause of the effluent limit violations identified in the CAO. It is also required to identify a system that will be implemented to ensure that the facility meets all reporting requirements set forth in the NPDES permit. A regional milestone schedule must be included.

Quarterly progress reports are required.

The CAO also requires that all future NCRs be submitted within accordance with the permit.

Within twelve (12) months of the effective date of the CAO Magnolia is required to develop and submit to DEQ for review and approval a sewer system evaluation study (“SSES”) which is required to be certified by an Arkansas Professional Engineer. The details of that SSES are specified in the CAO.

A civil penalty of \$5,400 is assessed.

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