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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Bradley, Arkansas entered into an August 24th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 24-131.

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

The Facility is stated to discharge treated wastewater to an unnamed tributary of Wheeler Creek which eventually enters the Red River. Such discharge is regulated pursuant to an NPDES Permit.

DEQ and Bradley are stated to have entered into a Consent Administrative Order (LIS 15-092) in 2015 to address violations of permitted effluent discharge limitations. This Order is stated to have been amended.

DEQ is stated to have conducted an inspection of the Facility on July 28, 2023. The inspection is stated to have identified the following violations:

1. Excessive vegetation on the lagoon levees;
2. Lagoon aerator was not installed;
3. Pooling in the plant rock filter;
4. Excessive woody vegetation in the aquatic plant rock filter;
5. Excessive duckweed in the chlorine contact chamber; and
6. Recently mowed grass clippings present in the Parshall flume.

The inspection is also stated to have indicated that the aerator for the pond had not been installed. The inspector was told that the aerator was taken to a shop for repair and that the aerator had been stolen.

DEQ is stated to have received a written response from Bradley on November 27, 2023, to the inspection providing photographic documentation that the violations had been addressed, except for the installation of the aerator.

A review of certified Discharge Monitoring Reports (“DMRs”) was conducted by DEQ on July 31st. Such review is stated to have indicated the following effluent limit violations:

1. Fifteen (15) violations of Fecal Coliform Bacteria;
2. Three (3) violations of Total Suspended Solids;
3. Three (3) violations of Dissolved Oxygen; and
4. One (1) violation of Ammonia Nitrogen.

Upon the effective date of this CAO, the previous CAO is closed. Further, on or before the effective date of this CAO, Bradley is required to submit a certification that the Facility is in compliance with all effluent limits and conditions in the NPDES Permit. If such certification is submitted, then Bradley is not required to submit a revised milestone schedule and report on its progress as verified by paragraph three of the Order and Agreement.

If Bradley is unable to certify compliance as noted above, it shall within 30 calendar days of the effective date of the CAO, submit to DEQ for review and approval, a reasonable milestone schedule detailing the corrective actions required to comply with the NPDES Permit and a date of final compliance no later than March 31, 2026. Such milestone schedule and final date of compliance shall be enforceable as terms of the CAO. In addition, within 30 calendar days of the effective date of the CAO, Bradley is required to submit its certification that the pond aerator has been installed.

Quarterly progress reports are required.

A civil penalty of \$7,400.00 is assessed of which \$6,900.00 is conditionally suspended if Bradley fully complies with the CAO.

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