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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and the City of Lonoke, Arkansas entered into a July 18th Consent Administrative Order (“CAO”) addressing violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 24-118.

The CAO provides that Lonoke operates a minor wastewater treatment facility (“Facility”) in Lonoke County, Arkansas.

The Facility discharges treated wastewater which eventually flows to the Arkansas River. The discharge is regulated pursuant to an NPDES Permit.

Part III, Section D, Condition 10 of the NPDES Permit requires that Lonoke submit a complete permit renewal application at least 180 days prior to its expiration if the activity regulated is to continue after the expiration date. Lonoke intends to continue to operate the Facility beyond the expiration date.

DEQ is stated to have received an NPDES Permit renewal application from Lonoke on February 20th. The agency notified Lonoke that the renewal application was determined to be administratively complete on February 20th. However, because the complete permit renewal application was not received by November 2nd, 2023, this is alleged to be a violation of Part III, Section D, Condition 10 of the NPDES Permit.

DEQ is stated to have conducted a routine compliance evaluation inspection of the Facility on February 23rd, 2023.

The inspection is stated to have indicated the following:

- A calibration check revealed a 93% error for the two-foot weir with end contractions. The device was last calibrated on January 23, 2023; however, calibration checks were not being conducted by Respondent.

- The five original aerators within the three-cell lagoon were not functional at the time of the inspection.

DEQ is stated to have notified Lonoke of effluent violations on July 5th, 2023, and requested a Corrective Action Plan (“CAP”) by July 31, 2023. The state agency is also stated to have requested that submittal of missing Non-Compliance Reports (“NCRs”) due by July 14th, 2023.

Lonoke responded that a CAP was unnecessary. The notification did include the missing NCRs.

DEQ retracted the CAP request but notified Lonoke that continued effluent violations would result in enforcement action.

On June 5th DEQ conducted a review of certified Discharge Monitoring Reports (DMRs”) submitted by Lonoke. The review is stated to have reported the following violations:

- Six (6) violations of Dissolved Oxygen;
- Three (3) violations of Fecal Coliform Bacteria;
- Two (2) violations of Discharge Flow as Percentage of Stream Flow; and
- One (1) violation of pH.

The review of the DMRs is also stated to have indicated that Lonoke failed to submit DMRs by the due date for the monitoring period ending in January 31.

The CAO requires that Lonoke comply with the existing NPDES Permit until the effective date of the permit renewal. Further, it is required to immediately comply with all permitted effluent limits unless a CAP is submitted and approved by DEQ in which case, the Facility shall comply with all permitted limits no later than December 31, 2025.

If Lonoke is unable to immediately comply with all permitted effluent limits, within 30 calendar days of the effective date of the CAO, it is required to submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer. The CAP is required to include at a minimum, the methods and best available technologies that will be used to correct the violations and prevent future violations, a milestone schedule, and a final compliance date no later than December 31, 2025.

Quarterly progress reports are required.

A civil penalty of \$3,000.00 is assessed which could have been reduced to \$1,500.00 if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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