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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Searcy Board of Public Utilities (“Searcy”) entered into an August 30th Consent Administrative Order (“CAO”) addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS. 24-134.

The CAO provides that Searcy operates a municipal wastewater treatment plant (“facility”) in White County Arkansas.

The facility is stated to discharge treated wastewater to the Little Red River which eventually flows to the White River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have requested a corrective action plan (“CAP”) to address sanitary sewer overflows (“SSO”) collection system on March 6, 2019. Searcy submitted a CAP to address the SSOs on May 2, 2019.

Part III, Section D, Condition 10 of the NPDS permit requires Searcy to submit a complete permit renewal application at least 180 days prior to the expiration day of the permit if the activity regulated by that permit is continued after the expiration date. Searcy has operated the facility beyond the expiration date.

DEQ received a permit renewal application from Searcy on November 13, 2023. Searcy was notified that the application was incomplete and requested additional information. A complete permit renewal application was submitted on December 4, 2023.

Because the renewal application was not received by November 2, 2023, this is alleged to be a violation of Part III, Section D, Condition 10 of the NPDS permit.

DEQ stated to have conducted a review of the Sanitary Sewer Overflows (“SSOs”) on December 19, 2023 reported by Searcy for the period of December 18, 2020 through December 18, 2023. The review is stated to have indicated that Searcy reported 56 SSOs totally approximately 3 million gallons.

The CAO provides that Searcy is permitted to discharge treated municipal wastewater from its permitted outfall. However, Searcy is not permitted to discharge untreated wastewater from its collection system. Each SSO is stated to constitute an unpermitted discharge. Further, each unpermitted discharge violates Part I, Section A of the NPDES permit.

DEQ further reviewed the reported SSO that occurred on June 18, 2023 and determined that the SSO occurred due to an upset condition at the facility resulting from a lightning storm that caused commercial power failure. A backup generator at the facility engaged but shut down shortly after due to overheating caused by a bad water pump. The backup generator had been exercised the previous week with no issues.

Searcy submitted an updated Milestone schedule and final compliance date on July 9.

The CAO requires that Searcy comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, Searcy shall continue to implement the CAP to address SSOs in accordance with the updated milestone schedule submitted on July 9. The updated milestone schedule and final compliance date of December 31, 2023 shall be fully enforceable as terms of the CAO.

Quarterly and/or Semi-Annually progress reports are required.

A civil penalty of \$5,200 is assessed of which \$4,200 is conditionally suspended if Searcy complies with the terms of the CAO.

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