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

10/18/2024

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and City of Strong, Arkansas entered into a July 18th Consent Administrative Order (“CAO”) addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 24-117.

The CAO provides that Strong operates a wastewater treatment plant (“Facility”) in Union County, Arkansas.

The Facility is stated to discharge treated wastewater to Lapile Creek which eventually flows into the Ouachita River. Such discharge is authorized pursuant to an NPDES Permit.

DEQ is stated to have received an anonymous complaint on December 15, 2022, that a pump station was not functional, and wastewater was discharging on to the ground from a manhole near the pump station. A reconnaissance inspection of the Facility was conducted on December 22, 2022. The inspection is stated to have identified the following violations:

- An unpermitted discharge from three (3) separate cracks in the manhole at the end of Redwood Street was flowing directly into an unnamed tributary of South Lapile Creek.
- The low-lying area behind the influent pump house to Pond 1 was filled with untreated wastewater constituting an unpermitted discharge.

Strong is stated to have not responded to a DEQ request regarding the inspection results which was provided on January 10, 2023. A meeting was held on February 8, 2023, with Strong to discuss the inspection findings and corrective actions that had been taken.

Strong agreed to submit the following by April 15, 2023:

1. An Operation and Maintenance (O&M) Plan detailing steps to prevent unpermitted discharges and also including how and when the effluent control valve is open, the process of scheduling

sampling and laboratory analysis of the effluent discharge, and a maintenance schedule to ensure adequate freeboard is consistently maintained in the pond;

2. A detailed report demonstrating the influent and effluent pumps are functioning according to design including photographic documentation; and,
3. A copy of the Operator Contract and Service Agreement. The contract must include the specific job duties the operator must perform, how often the duties are performed, and minimum site visit frequency.

Strong is stated to have not provided the requested information by April 15, 2023.

Strong's Consulting Engineer emailed a response to DEQ on March 16, 2023, stating that Strong had been awarded a grant from the Arkansas Natural Resources Commission to fix the wastewater treatment plant. The funds could be used to replace the effluent pumps, electrical, and flow meter.

On December 18, 2023, DEQ conducted a review of the Discharge Monitoring Reports ("DMRs"). The review is stated to have identified that there was a failure to submit DMRs by the due date for the following ten (10) monitoring periods:

1. 2021: May, July, September, October, November, December;
2. 2022: March, April; and
3. 2023: March, July.

The CAO requires that Strong cease all unpermitted discharges. Further, on or before the effective date of the CAO, Strong is required to submit a certification that all unpermitted discharges documented at the inspection performed on December 22, 2022, have ceased and the Facility is in compliance with the NPDES Permit. The certification is required to include certain additional information.

If Strong can not certify compliance within thirty calendar days of the effective date of the CAO, Strong is required to submit to DEQ for review and approval a comprehensive Corrective Action Plan 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 correct the violations listed in Findings of Fact and prevent future violations. A reasonable milestone schedule with a final compliance date of no later than June 30, 2025, is required.

Quarterly progress reports are required.

Strong is required to submit all DMRs as required by the NPDES Permit.

A civil penalty of \$3,500.00 is assessed, which is conditionally suspended if Strong fully complies with the CAO.

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