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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and City of England, Arkansas entered into a November 21st Consent Administrative Order (“CAO”) addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24-159.

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

The Facility is stated to discharge treated wastewater to Wabbaseka Bayou which eventually flows into the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires England to submit a complete permit renewal application at least 180 days prior to the expiration date if the regulated activity is to continue after the expiration date. England is stated to intend to operate the Facility beyond the expiration date of the current permit.

DEQ is stated to have received a permit renewal application from England on May 3rd. On June 3rd, DEQ notified England that the permit renewal application was incomplete. England submitted additional information and was notified that it was administratively complete on June 7th.

Because the complete permit renewal application was not received by February 2nd this constitutes a violation of Part III, Section D, Condition 10 of the NPDES permit.

DEQ conducted a routine compliance evaluation inspection of the Facility on May 19, 2021. The inspection is stated to have indicated that one of the air supply lines in the extended aeration lagoon was not properly connected to the diffuser line.

A collection system inspection was also undertaken which indicated the following:

1. No contact information was posted at the pump stations.
2. No locks were located on the lids and hatches of the pump stations.

DEQ conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by England on June 12th. The review identified the following violations of permitted effluent limits:

1. Seven (7) violations of Fecal Coliform Bacteria; and.
2. Two (2) violations of Ammonia Nitrogen.

The review of the DMRs also indicated that England failed to submit certain ones by the due date for the following 20 monitoring periods:

1. 2021: February, March, June, August, September, October, December;
2. 2022: February, April, June, July, August, September, November;
3. 2023: May, June, August, October; and,
4. 2024: January, March.

The CAO requires that England comply with the existing permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, within 30 calendar days of the effective date of the CAO England is required to submit to DEQ for review and approval a comprehensive Corrective Action Plan developed by an Arkansas Professional Engineer which is required to include at a minimum, the methods and best available technologies that will be used to correct the violations listed in the Findings of Fact and prevent future violations. In addition, it is required to identify a system that will be implemented to ensure that England meets all reporting requirements set forth in the permit.

The CAP is required to include a reasonable milestone schedule with a date of final compliance no later than June 30, 2026. Further, quarterly reporting requirements are required.

A civil penalty of \$3,200.00 is assessed which could have been reduced by one half if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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