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

12/20/2024

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Glenwood, Arkansas entered into a November 12th Consent Administrative Order (“CAO”) addressing the alleged violations of the Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24-154.

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

The facility discharges treated wastewater to an unnamed tributary of the Caddo River which eventually flows to the Ouachita River. Such discharge is regulated pursuant to an NPDES permit.

The NPDES permit requires Glenwood to submit a complete permit renewal application at least 180 days prior to the expiration of the permit if the activity is to continue after the expiration date. Glenwood intends to operate the facility beyond the expiration date.

Glenwood submitted a permit renewal application on April 19th. However, on April 22, ADEQ notified Glenwood that the application was incomplete. Since the complete renewal application was not received by February 2, this is stated to constitute a violation of Part III, Section D, condition 10 of the NPDES permit.

The permit application was deemed administratively complete on July 8th.

DEQ is stated to have received a notification from Glenwood on May 10, 2023 that the Wastewater Equalization Basin (“EQ Basin”) was discharging untreated wastewater from the base and side wall of the Levy of the EQ Basin into a creek that flows into the Caddo River. A complaint was stated to have been received on May 11, 2023.

DEQ is stated to have sent Glenwood a letter on May 18, 2023 requesting immediate action to address the unpermitted discharge and submission of a communication plan and corrective action plan.

DEQ performed a compliance evaluation inspection on May 18, 2023 and June 1, 2023 which is stated to have identified the following violations:

- Unpermitted discharges
- Operation and Maintenance Violations
- Bypassing the Large Clarifier and Failing to Notify DEQ in violation of Part III, Section B, condition 4 of the Permit
- Method of disinfection was altered and Failure to Notify DEQ prior to the authorization.

Glenwood submitted a response to a DEQ letter dated May 18, 2023 stating:

- Respondent has been draining the EQ basin and pumping it to the wastewater treatment plant
- Respondent will continue to update DEQ but the unpermitted discharge appears to have ceased
- Respondent proposed sampling the EQ basin twice per week instead of three times per week and declined to provide two (2) consecutive weeks of clean samples
- Results of the sample analysis have been posted to social media and the results have been delivered to the river businesses in the area;
- Respondent did not feel a CAP was necessary, as Respondent believed the unpermitted discharge had ceased.

A site visit was performed by DEQ on May 20, 2023 of the areas near the collection system storage pond. It was concluded that the pond leaked during use and review of any available pond construction documented was warranted.

Glenwood provided DEQ with sample results and notified the agency on June 14, 2023 that the EQ basin was dry with the exception of potential rainfall and that no additional sampling was planned.

DEQ is stated to have notified Glenwood of the following observations and conclusions from the DEQ site visit:

- The collection system storage pond is leaking significantly when in operation;
- Any future use should be avoided unless emergency use is necessary
- The pond should not be used for any emergency beyond December 31, 2023, without written authorization from DEQ; and
- Respondent's wastewater treatment plant should be repaired and returned to full operational capacity at the earliest opportunity

Glenwood responded that the following should be included in the CAO:

- Respondent performed several tests to determine if the pond was leaking during use. Tests included, sampling leachate entering the creek for E. Coli and administering pond dye to the pond water. The E. Coli sample results did not support the belief that the pond was leaking, as the leachate entering the creek was significantly lower than the sample collected from the pond. Also, no coloration was observed in any of the leachate after the pond dye was administered. Two dye tests were performed, one being prior to the city coating the levee with bentonite clay, and one after the levee was coated with bentonite clay. The city and their engineer continue to believe the levee was not leaking. Samples collected ultimately point to the E.coli levels being elevated due to a manhole SSO further up stream in the same creek. This problem was ultimately discovered and remedied by the city.

Glenwood informed DEQ that the slide gate and level control in the racetrack was inoperable on October 2, 2023 and requested approval to bypass pump flow during maintenance of the existing gate. However, DEQ notified Glenwood that bypass was prohibited unless certain requirements were met and requested additional information from Glenwood. Additional information was submitted which satisfied DEQ to the extent to approve the bypass.

DEQ conducted a review of certified Discharge Monitoring Reports (“DMRs”) on February 23 which allegedly identified the following violations:

- Eleven (11) violations of E. coli;
- Seven (7) violations of Total Suspended Solids;
- Three (3) violations of Carbonaceous Biochemical Oxygen Demand; and
- One (1) violation of Total Residual Chlorine.

The review of the DMRs is also stated to have indicated a failure to submit non-compliance reports for affluent violations reported during the following monitoring periods:

- 2022: April and December; and
- 2023: February

Additional dates in which DMRs were not submitted included:

- 2021: November
- 2022: May; and
- 2023: January, March, April, May, July, August, September, October, December

Glenwood is stated to be currently seeking funding from the Arkansas Department of Economic Development to replace the chlorine disinfection with UV disinfection.

DEQ is stated to have conducted a review of the SSO’s reported by Glenwood in accordance with the permit for the period of January 1, 2021 through February 23, 2024 which indicated that 10 sanitary sewer overflows totaling over 26,000 gallons had occurred.

Glenwood is stated to be currently undergoing a sewer main replacement project to replace the oldest mains and manholes in the collection system that are believed to be causing SSOs during precipitation events due to inflow and infiltration.

The CAO requires that Glenwood comply with the existing NPDES permit until it’s effective date of renewal. Further, within 30 calendar days of the effective date of the CAO, Glenwood is required to submit to DEQ for review and approval a comprehensive corrective action plan developed by an Arkansas Professional Engineer which must include at a minimum the methods and best available technologies will be used to correct the violations listed in Findings of Fact and prevent further future violations. A reasonable milestone schedule must be included with a date of final compliance no later than December 31, 2026. Quarterly reports to DEQ are required.

The CAO provides Glenwood conditional authorization to use the existing EQ basin for emergency use during high precipitation events that cause flow in the collection system to exceed the design capacity of the collection system or design flow of the facility until it completes the sewer replacement project. Authorizations conditioned upon certain actions identified in the CAO.

Glenwood is required within 30 calendar days of completion of the sewer replacement project to submit to DEQ a detailed summary of what is completed. Further, within 60 calendar days following the completion of the Sewer Replacement Project, a certification from an Arkansas Professional Engineer that the EQ basin in the levy are compliant with the 10 state standards or submit a closure plan developed by an Arkansas Professional Engineer for the EQ basin.

A civil penalty of \$11,550 is assessed of which \$9,050 is conditionally suspended if Glenwood complies with the terms of the CAO.

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