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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and City of Jasper, Arkansas entered into a December 4th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 24-164.

The CAO provides that Jasper operates a municipal wastewater treatment plant (“Facility”) in Newton County, Arkansas.

The Facility is stated to discharge treated wastewater to the Little Buffalo River which eventually flows to the White River. Such discharge is regulated pursuant to an NPDES Permit.

A Permit Compliance Schedule I.B of the NPDES Permit is stated to require Jasper to achieve compliance with the final effluent limitations within three years of the effective date of the Permit. Annual progress reports are also stated to be required to achieve compliance with the final effluent limits for fecal coliform bacteria (“FCB”), Total Phosphorus (“TP”), Total Residual Chlorine (“TRC”), and Nitrates + Nitrites. The final progress reports are stated to be required to include a certification that the Facility was in compliance with the final effluent limits for the referenced pollutants.

Jasper submitted progress reports on February 11, 2022, and February 20, 2023. Further, Jasper submitted a Corrective Action Plan (“CAP”) on April 30, 2024, detailing the corrective actions taken to meet the final effluent limits for the referenced pollutants. The CAO had a final compliance date of August 31, 2026. The CAO provides that Jasper’s failure to achieve compliance with the final effluent limits for the referenced pollutants by February 1 is a violation of the NPDES Permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Jasper. The review is stated to have indicated the following violations of the effluent discharge limits:

1. Two (2) violations of Total Residual Chlorine;
2. One (1) violation of Fecal Coliform Bacteria; and,

3. One (1) violation of Total Phosphorus.

DEQ also conducted a review of the Sanitary Sewer Overflows (“SSOs”) reported by Jasper for the period May 1, 2019, through June 10, 2024. The review is stated to have indicated that Jasper reported 40 SSOs totaling over 1 million gallons. Each SSO is stated to have constituted an unpermitted discharge.

The CAO requires that Jasper comply with the terms, milestone schedule, and final compliance date contained in the approved CAP. Further, within 90 calendar days of the effective date of the CAO, Jasper is required to submit to DEQ for review and approval a comprehensive Sanitary Sewer Evaluation Survey to find and fix infiltration and inflow into sewer lines, developed by an Arkansas Professional Engineer. The CAO identifies the required elements of the Sanitary Sewer Evaluation Survey.

Quarterly progress reports are required.

The CAO assesses a civil penalty of \$5,600.00 of which \$2,800.00 is conditionally suspended if Jasper fully complies with the CAO.

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