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Wastewater Enforcement: Arkansas Department of Environmental Quality and Sharp County Private Wastewater Treatment Facility Owner Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Cherokee Village Sewer, Inc. (“CVSI”) entered into an April 10th Consent Administrative Order addressing alleged violations of its Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 17-026.

The CAO provides that CVSI operates a sanitary wastewater treatment facility (“facility”) in Sharp County, Arkansas.

The CVSI facility is stated to discharge treated wastewater to the South Fork of the Spring River. It does so pursuant to an NPDES permit.

ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by CVSI. The review allegedly identified five violations of the permitted effluent discharge limits for Carbonaceous Biochemical Oxygen Demand. The discharge limits are stated to be found in Part 1 Section A of the NPDES permit.

The CAO also provides that ADEQ and CVSI entered into CAO LIS 14-054 on May 1, 2014. CVSI is stated to have complied with the terms of that CAO. ADEQ agreed to CVSI’s request that CAO LIS 14-054 be closed and the financial assurance funds accrued under this document could be returned to the company.

CAO LIS No. 17-026 requires that CVSI immediately comply with all permitted effluent limits unless a Corrective Action Plan is submitted and complies with Paragraph 2 of that document (and is approved by ADEQ). If so, CVSI must comply with all permitted effluent limits no later than March 31, 2018.

If unable to comply with all permitted effluent limits, CVSI is required to within 30 days of the effective date of the document, submit to ADEQ for review and approval a Comprehensive Corrective Action Plan developed by a Professional Engineer licensed in the State of Arkansas. The document must include a reasonable milestone schedule with a final compliance date of no later than May 31, 2018. It must detail the methods and best available technologies that will be used to correct the violations listed in the CAO’s Findings of Fact (and prevent future violations).

If approved by ADEQ, CVSI is required to comply with the milestone schedule and a final compliance date of May 31, 2018 is set. Quarterly progress reports are also required.

The CAO assesses a civil penalty of \$2,000. The civil penalty would be reduced by 50 percent if the CAO is signed and returned to ADEQ prior to April 14th.

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