

Wastewater Enforcement: Arkansas Department of Environmental Quality and Private Boone County, Arkansas Wastewater Treatment Facility into Consent Administrative Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

05/05/2017

The Arkansas Department of Environmental Quality and Sugarloaf Waste Water Treatment (“Sugarloaf”) entered into an April 13th Consent Administrative Order (“CAO”) addressing alleged Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit violations. See LIS No. 17-027.

The CAO provides that Sugarloaf operates a wastewater treatment facility (“facility”) in Boone County, Arkansas.

The facility is stated to discharge treated wastewater to East Sugarloaf Creek which eventually is discharged into the White River Basin. The discharge is regulated pursuant to the facility’s NPDES permit.

ADEQ is stated to have conducted a review of the facility’s certified Discharge Monitoring Reports (“DMRs”) that addressed the dates June 1, 2013 through January 31, 2017. The agency’s review allegedly determined that Sugarloaf reported the following violations of the NPDES permit:

- Five violations for Total Ammonia Nitrogen;
- Twenty-six violations for Total Phosphorus; and
- Three violations for Fecal Coliform

The CAO requires that Sugarloaf submit to ADEQ for review and approval a Comprehensive Corrective Action Plan (“CAP”) developed by a Professional Engineer licensed by the State of Arkansas. The CAP is required to include a reasonable milestone schedule with a date of final compliance. It is further required to detail the methods and best available technologies that will be used to correct the violations listed in the CAO’s Findings of Fact, Paragraph 11 and prevent future violations. Once ADEQ approves the CAP Sugarloaf is required to comply with the terms, milestone schedule, and final compliance date.

Progress reports are required to be submitted according to a timetable provided by the CAO. Further, within 30 calendar days from the date of final compliance established in the CAP Sugarloaf is required to submit a report through a Professional Engineer licensed in the State of Arkansas certifying that compliance with the NPDES effluent limits has been achieved.

A civil penalty of \$4,800 is assessed. However, the penalty is reduced by 50 percent if the Order was signed and returned to ADEQ prior to April 10th.

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