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# Wastewater Enforcement: Arkansas Department of Environmental Quality and Garland County School Districts Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Jessieville School District and Fountain Lake School District (collectively, “District”) entered into an August 30th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit.

The District is stated to operate a wastewater treatment plant (“plant”) in Hot Springs Village, Garland County, Arkansas.

The plant is stated to discharge wastewater into Coleman Creek which eventually flows through other waterbodies into the Ouachita River. The plant discharges pursuant to an NPDES permit.

Two types of violations of the NPDES permit are alleged. They include:

## I. Failure to submit a permit renewal application by the deadline

- The plant’s NPDES permit is stated to have expired on March 31, 2017 and was not renewed by the District in a timely manner
- The permit was subsequently renewed on June 9, 2017

## II. Effluent violations

- A November 9, 2015 ADEQ review of Discharge Monitoring Reports (“DMRs”) resulted in the agency requesting that the District submit a Corrective Action Plan (“CAP”) to address reported effluent violations
- A CAP was subsequently accepted by ADEQ which included a milestone schedule and a final date of compliance for addressing the alleged effluent violations
- ADEQ is stated to have conducted a routine compliance evaluation of the plant on September 14, 2016 which allegedly indicated violations that included:
  - Six Ammonia Nitrogen exceedances
  - Four Carbonaceous Biological Oxygen Demand exceedances
  - Two Total Suspended Solids exceedances
  - Failure to maintain filter beds

- Failure to monitor sludge volume
- In response to September 23, 2016 ADEQ correspondence, the District hired an engineer to assess the plant and submit to the agency a revised CAP
- ADEQ conducted a review of DMRs on August 7, 2017 and allegedly determined the following effluent limit violations:
  - 22 violations for Ammonia Nitrogen
  - 12 violations for Carbonaceous Biochemical Oxygen Demand
  - 7 violations for Fecal Coliform
  - 6 violations for Total Suspended Solids

The CAO requires that the District complete all actions listed in the October 28, 2016 CAP by the effective date of the CAO and provide ADEQ a letter from a Professional Engineer licensed in the State of Arkansas certifying that the actions have been undertaken and that the plant is in compliance with the effluent limitations of the renewal NPDES permit. The letter must also certify that such compliance can be maintained on a consistent basis.

In the event the District is unable to comply with all permitted effluent limits, it is required within 30 days of the effective date of the CAO to submit to ADEQ, for review and approval, a revised CAP that includes:

- A reasonable milestone schedule with a date of final compliance no later than December 21, 2018
- Detailed methods and best available technologies that will be used to correct the violations listed in the CAO's Findings of Fact (Paragraph 24)
- Detailed methods and best available technologies that will be used to prevent future violations

After approval by ADEQ of such revised CAP, the District will be required to implement the CAP according to the proposed milestone schedule by the final compliance date.

The CAO also provides for quarterly progress reports.

The CAO assesses a civil penalty of \$1,000. However, the CAO characterizes the civil penalty as being "reduced" contingent upon the District complying with the requirements of the CAO. It further provides that if the District fails to comply with the Order and Agreement section of the CAO, or fails to pay the reduced sum of \$1,000 on the due date, the civil penalty will be increased to the amount of \$4,000.

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