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Wastewater Enforcement: Arkansas Department of Environmental Quality and Faulkner County, Arkansas Wastewater Treatment Facility Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Waste Water Management, Inc. (“WWMI”) entered into a Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Permit. See LIS No. 17-066.

The CAO states that WWMI operates a wastewater treatment facility called Shadow Ridge Subdivision Wastewater Treatment Facility (“facility”) located in Faulkner County, Arkansas.

The facility is stated to discharge treated wastewater to the East Fork of Cadron Creek which eventually enters the Arkansas River. Wastewater is discharged pursuant to an NPDES Permit. The NPDES Permit is stated to have expired on February 28.

WWMI is alleged to have failed to submit an NPDES Permit renewal by the required date of September 1, 2016. Failure to submit the Permit renewal is alleged to be a violation of Part III, Section D, Item 10 of the NPDES Permit.

ADEQ is stated to have received WWMI’s Permit renewal on September 15, 2016. The agency subsequently sent WWMI correspondence stating that the renewal application was administratively complete. A renewed Permit was issued on July 6, 2017, with an effective date of August 1, 2017.

THE CAO further provides that ADEQ conducted a review on May 12, 2015, of certified Discharge Monitoring Reports (“DMRs”) submitted by WWMI as required by the NPDES Permit. WWMI is stated to have reported violations of the permitted effluent limits for Total Suspended Solids, Ammonia Nitrogen, Fecal Coliform, Biological Oxygen Demand, and pH.

A Corrective Action Plan was stated to have subsequently been requested by ADEQ and to date has allegedly not been submitted.

ADEQ is stated to have conducted on December 31, 2016, an additional review of certified DMRs submitted by the facility. The DMRs allegedly revealed violations of Permitted effluent limits which included:

- Seven violations for Total Suspended Solids;
- Two violations for Ammonia Nitrogen;
- Six violations for Fecal Coliform and;
- Nine violations for Biological Oxygen Demand, Carbonaceous [5-day, 20 C]

The CAO requires that within 30 days of its effective date WWMI submit to ADEQ for review and approval a Corrective Action Plan developed by a Professional Engineer licensed in the State of Arkansas. The Corrective Action Plan is required, at a minimum, to include a reasonable milestone schedule with a date of final compliance no later than December 31, 2018. It is also required to include the methods and best available technologies that will be used to correct the violations identified in the Findings of Fact in the CAO and prevent future violations. Upon review and approval by the agency, WWMI is required to comply with the terms, milestone schedule and final compliance date of December 31, 2018.

The CAO also requires quarterly progress reports and that written documentation be provided to the agency by a Professional Engineer that all violations cited have been corrected and the facility is in compliance with the Permit no later than January 31, 2019.

A civil penalty of \$5,850 was assessed which could be reduced by one-half if the document was signed and returned to ADEQ prior to September 5th.

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