

## Wastewater Enforcement: Arkansas Department of Environmental Quality and Pangburn, Arkansas Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Pangburn, Arkansas (“City”) entered into a Consent Administrative Order (“CAO”) addressing alleged Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit violations. See LIS No. 17-094.

The CAO provides that the City operates a wastewater treatment facility (“Facility”) in White County, Arkansas.

The Facility discharges treated wastewater to the Little Red River, thence to the White River in Segment 4E of the White River Basin pursuant to an NPDES permit.

The City is alleged to have submitted an application for renewal of the expiring NPDES permit 135 days (as opposed to the required 180 days) prior to its expiration date. The alleged failure to submit a complete application at least 180 days prior to the NPDES permit’s expiration date is stated to violate Part III, Section D, Condition 10 of the NPDES permit.

On May 17, 2016, ADEQ conducted a Reconnaissance Inspection of the Facility. The inspection allegedly determined that the Facility is discharging odorous wastewater. The CAO characterizes this discharge of wastewater as unpermitted and violating Ark. Code Ann. § 8-4-217(b)(1)(E).

ADEQ conducted a review on May 4th of certified Discharge Monitoring Reports submitted by the Facility from April 1, 2013 through March 31, 2017. The review allegedly determined that the City reported violations of the permitted effluent limits detailed in Part I, Section A, which included:

- Fourteen violations for Biochemical Oxygen Demand;
- One violation for Fecal Coliform; and
- Forty violations for Total Suspended Solids

The CAO requires within 30 days of its effective date that the City submit to ADEQ for review and approval a comprehensive Corrective Action Plan (“CAP”) developed by a Professional Engineer registered in the state of Arkansas. The CAP is required to include at a minimum a reasonable milestone schedule with a date of final compliance. It is required to detail the methods and best available technologies that will be used to correct the alleged violations listed in Findings of Fact Paragraph 16 and prevent future violations. Upon review and approval by ADEQ, the City is required to comply with the terms, milestone schedule and final compliance date.

The City is also required to submit progress reports that detail the work completed from the approved CAP until such time that the project is completed. A time schedule is provided for submission of such reports. Within 30 days of the date of final compliance established in the CAP, the city is required to submit a report, through a Professional Engineer licensed in the state of Arkansas, certifying that compliance with the permitted effluent limits has been achieved.

The CAO assesses a civil penalty of \$2,000. However, in the event the City does not comply with the Order and Agreement section of the CAO, it is required to pay a civil penalty of \$3,000.

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