

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



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Mitchellville, Arkansas (“City”) entered into a December 5th Consent Administrative Order (“CAO”) alleging violations of the Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 17-115.

The City operates a wastewater treatment facility (“Facility”) in Desha County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary that eventually flows to Segment 2A of the Ouachita River. Wastewater is discharged pursuant to an NPDES permit.

ADEQ is stated to have sent the City a letter on December 12, 2014 requesting a Corrective Action Plan (“CAP”) to address effluent discharge limit violations reported on certified Discharge Monitoring Reports (“DMRs”). DMRs are required to be submitted pursuant to the NPDES permit.

The CAO indicates that ADEQ received a CAP from the City on December 19, 2014, which did not contain a date of expected compliance. Further, the agency is stated to have received a January 26, 2015, letter from the City stating that the repairs listed in the CAP were complete. However, ADEQ is stated to have sent a March 10, 2016, letter to the City requesting a CAP to address effluent discharge limit violations reported on DMRs that had been submitted pursuant to the NPDES permit. The agency subsequently received a March 21, 2016, letter from the City addressing the NPDES violations.

Discussions between ADEQ and the City regarding the possibility of connecting the City to the Dumas wastewater treatment facility are referenced.

ADEQ is stated to have conducted a February 15, 2017, routine compliance evaluation inspection of the Facility and a sanitary sewer overflow/collection system inspection. No violations were noted at the time of the inspection.

ADEQ received a copy of the City’s Wastewater Pre-Application to the Arkansas Natural Resources Commission Water/Wastewater Advisory Committee on June 5, 2017. The pre-application is stated to reference a proposal to replace approximately 7,919 linear feet of sewer lines underneath the streets of the City due to deterioration.

A September 21, 2017, ADEQ review of certified City DMRs was undertaken. The review allegedly determined that from August 31, 2014, to August 31, 2017, the City reported the following violations of the permitted effluent discharge limits from a section of the NPDES permit (along with the renewal permit) which included:

- 27 violations for Total Suspended Solids
- 4 violations of Ammonia Nitrogen
- 2 violations for Carbonaceous BOD

ADEQ requested on July 24, 2017, a revised CAP detailing:

- Corrective actions that will be taken to achieve compliance with the terms of the NPDES permit
- Whether the proposed sewer line improvements are an effort to achieve compliance with the permitted effluent limitations

ADEQ subsequently granted a request for an extension of the CAP deadline until September 29, 2017. On September 26, 2017, the City submitted a revised CAP detailing the initial steps and cost estimates for connecting the City of Dumas wastewater treatment facility. This document is stated to contain a milestone schedule with a final date of compliance with the NPDES permit of December 1, 2017.

The CAO requires that the City comply with the terms, milestone schedule, and final compliance date of December 1, 2017, contained in the approved revised CAP. The milestone schedule and final compliance date are stated to be fully enforceable terms of the CAO. Further, the City is required to submit a final compliance report (stamped by an Arkansas Professional Engineer) to ADEQ certifying that the facility is in compliance with the permitted effluent limits no later than January 1, 2018.

The City is required to submit within 30 days of the effective date of the CAO an interim operating plan that describes the operational measures that will be taken to consistently maintain compliance with the NPDES permit. In addition, the City is required to implement the interim operating plan immediately upon its submittal to ADEQ.

Within 90 days of the effective date of the CAO, the City is required to submit a revised CAP containing a plan for:

. . . connecting Respondent's wastewater collection system to the City of Dumas wastewater treatment plant and a construction timeline with completion date. The terms in this revised CAP, including the construction timeline with completion date, shall be fully enforceable as terms of this Order.

Quarterly progress reports are also mandated by the CAO.

The CAO assesses a civil penalty of \$4,200 which could have been reduced by one-half if the document was returned to the agency prior to December 8, 2017.

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