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# Arkansas Underground Injection Control Enforcement: Arkansas Department of Environmental Quality and Boone County, Arkansas School District Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Bergman Public Schools (“Bergman”) entered into a January 19th Consent Administrative Order (“CAO”) to address alleged violations of Arkansas Pollution Control and Ecology Commission Regulation No. 17, Arkansas Underground Injection Control (UIC) Code. See LIS No. 18-008.

The CAO provides that Bergman operates a decentralized wastewater treatment system (“Facility”) with drip irrigation dispersal located in Boone County, Arkansas.

The Facility is stated to be regulated pursuant to Arkansas Pollution Control and Ecology Commission Regulation No. 17 (UIC) Code. A No-Discharge Permit is stated to have been issued to Bergman in 2012. The permit is stated to have expired on July 31, 2017.

A required permit renewal application is stated to have not been provided to ADEQ by February 1, 2017. Such alleged failure to submit the permit renewal application by the referenced date is alleged to be a violation of Condition 23 of the Facility’s Permit. A renewal application was subsequently provided by Bergman.

ADEQ is stated to have conducted an inspection of the Facility on October 4, 2017. Such inspection is alleged to have identified the following violation:

- Operation at the Facility with an expired permit

The October 4th inspection allegedly identified certain issues which included:

- Operator did not have a Class II wastewater operator license
- No records of activities related to the removal of wastewater from the septic tanks
- The Waste Management Plan did not represent the actual operation of the Facility, i.e., there were four septic tanks in the collection system and there was no mention of chlorination as a treatment process

- An aerator and several bio-filtration pods were not operational and there was shrub growth in the drip fields
- No signs posted at the drip disposal area indicating that the area is irrigated with treated wastewater effluent
- Presence of a small leak at the distribution valve for the east drip field

The CAO requires that Bergman comply with the expired permit until issuance of the renewal permit. Further, within 30 days of the effective date of the CAO, Bergman is required to submit any additional information required by ADEQ for the permit application. In addition, Bergman is required to submit written and photographic documentation of the correction actions that were performed to address the alleged issues and/or violation.

A civil penalty of \$1,000 is assessed which could be reduced by one half if the CAO was returned to ADEQ within 30 days of the receipt of the CAO.

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