

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



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05/21/2018

The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Turrell, Arkansas, (“Turrell”) entered into an April 10th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Permit. See LIS No. 18-040.

The CAO provides that Turrell operates a municipal wastewater treatment plant (“Plant”) in Crittenden County, Arkansas, that discharges treated wastewater to Big Creek which eventually flows into the St. Francis River Basin.

The Plant discharges the wastewater pursuant to an NPDES permit.

ADEQ is stated to have conducted a routine compliance inspection of the Plant on April 21, 2015, that identified the following violations:

1. The levee between cells 1 and 2, and the levee between cells 1 and 3 were eroded resulting in bypasses between the cells. The internal levees separating cells 1, 2, and 3 were observed to be washed out in multiple locations resulting in short-circuiting. This failure to properly operate and maintain the WWTP violated Part III, Section B, Paragraph (1)(A) of the Permit and therefore Ark. Code Ann. § 8-4-217(a)(3).
2. The inspection revealed cell 2 had a large amount of vegetation present in the lagoon. Also noted was the presence of vegetation overgrowth on the majority of the lagoon levees. This failure to properly operate and maintain the WWTP violated Part III, Section B, Paragraph (1)(A) of the Permit and therefore Ark. Code Ann. § 8-4-217(a)(3).

ADEQ is stated to have conducted a compliance inspection of the Plant on March 15, 2016. The inspection is stated to have identified the following violations:

1. The internal levees separating cells 1, 2, and 3 were observed to be washed out in multiple locations resulting in short-circuiting. This failure to properly operate and maintain the WWTP violated Part III, Section B, Paragraph (1)(A) of the Permit and therefore Ark. Code. Ann. § 8-4-217(a)(3). This is a repeat violation.
2. The inspection revealed extensive erosion of the external levees. At the time of the inspection, there were multiple overflows from the facility. There were two large overflows from cell 1 over the top of the north levee. There was a smaller overflow over the top of the west levee of cell 1.

The overflows, as observed, created an unpermitted discharge to waters of the state in violation of Ark. Code Ann. § 8-4-217(b)(1)(E) and Ark Code Ann. § 8-4-217(a)(2).

3. The effluent pumps station had been destroyed by fire. The pumps were not operational due to fire damage to the electrical supply and control wires. This failure to properly operate and maintain the equipment is a violation of Part III, Section B, Paragraph (1)(A) and therefore Ark. Code Ann. § 8-4-217(a)(3).
4. The chlorinator equipment observed was damaged and in need of repair or replacement. This failure to properly operate and maintain the equipment is a violation of Part III, Section B, Paragraph (1)(A) and therefore Ark. Code Ann. § 8-4-217(a)(3).
5. There were multiple animal burrows along the external levees, specifically on the east side of the facility. In addition, extensive vegetation was found in cell 2. This is further evidence that the facility has had limited maintenance performed, as the same violations were reported in the inspections of April 21, 2015, and March 15, 2016. This is a repeat violation of Part III, Section B, Paragraph (1)(A), and therefore Ark. Code Ann. § 8-4-217(a)(3).

The CAO provides that ADEQ has requested a response to the inspection report and asked for a Corrective Action Plan (“CAP”) from Turrell. Also requested are submissions of quarterly progress reports documenting corrective actions through completion.

A suspected break in the inflow piping to the wastewater treatment pond is stated to have been investigated by ADEQ on August 29, 2016. The breach is alleged to have created an unpermitted discharge to waters of the state. Turrell is stated to have made the required 24-hour verbal notification on August 30, 2016, as required by the NPDES permit.

ADEQ is stated to have conducted a compliance inspection of the facility on August 30, 2016, to assess the current conditions and determine if any corrective actions had been taken since the March 15, 2016, inspection. The inspection is stated to have identified the following:

1. There was an unpermitted discharge of raw sewage into Little Cypress Bayou from the influent force main. A large section of the pipe was missing where the force main crosses Little Cypress Bayou resulting in all raw sewage from the City being discharged directly into Little Cypress Bayou. Samples of the discharge were collected on the morning of August 30, 2016. The samples were tested, and revealed Fecal Coliform of 450,000 CFU/100 ml, which is in excess of the 1000 CFU/100ml limit. E. coli testing revealed 300,000 CFU/100 ml, which exceeds the limit of 410 CFU/100ml. These exceedances violate Arkansas Water and Air Pollution Control Act – Ark. Code Ann. § 8-4-217(a)(2) and (3) and Ark. Code Ann. § 8-4-217(b)(1)(E).
2. The lagoons were overgrown with vegetation making it impossible to perform a thorough visual inspection. The observed lack of maintenance was previously noted in the inspections of April 21, 2015 and March 15, 2016. This is a repeat violation of Part III, Section B, Paragraph (1)(A) and therefore Ark. Code Ann. § 8-4-217(a)(3).

The CAO provides that because of a bridge failure and access denial by a neighboring property owner, there is no way to enter the Facility and allegedly constitutes a violation of the NPDES permit.

ADEQ is stated to have received notification from the United States Fish and Wildlife Service that Turrell’s sewage lagoon was overflowing into Wapanocca National Wildlife Refuge, constituting an alleged unpermitted discharge in violation of the NPDES permit.

On September 22, 2017, Turrell is stated to have reported to ADEQ via phone call that construction of a bridge to allow access to the Plant was to begin.

The CAO requires that within 30 days of the effective date of the document that Turrell submit for review and approval a comprehensive CAP developed by a Professional Engineer (“P.E.”) licensed in the State of

Arkansas to correct violations specified in certain sections of the Findings of Fact and prevent future violations. Such CAP will be reviewed by ADEQ and upon approval be enforceable as terms of the CAO. Quarterly progress reports are required and a final report by December 31, 2019.

The CAO assesses a civil penalty of \$2,000.

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