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Wastewater/Collection System Enforcement: Arkansas Department of Environmental Quality and Carthage, Arkansas Enter into Consent Administration Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Carthage, Arkansas (“Carthage”) entered into an August 31st Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 18-080.

The CAO provides that Carthage operates a municipal wastewater treatment facility (“Facility”) in Dallas County, Arkansas.

The Facility includes a wastewater collection system (“collection system”). The collection system is stated to consist of three lift stations, each of which contain two pumps. It discharges treated wastewater into an unnamed tributary of Matthews Creek, which eventually flows into a segment of the Ouachita River Basin.

The Facility is regulated pursuant to an NPDES Permit (“Permit”).

The CAO states that on June 2, 2017, and September 1, 2017, Carthage was notified the Permit would expire on May 31, 2018, and in order to continue the regulated activity, a complete renewal application must be submitted no later than December 2, 2017. An incomplete Permit renewal application was stated to have been submitted on November 21, 2017. The Permit application was deemed administratively complete on January 4, 2018. As a result, the CAO states that the complete Permit renewal application was not received by December 2, 2017, which constitutes a violation of the Permit.

ADEQ is stated to have conducted a routine compliance inspection on December 13, 2016, of the sanitary sewer overflow portion of the Facility. The inspection is stated to have revealed certain violations, which included in part:

- Failure to take an influent sample for CBOD5 and TSS within the preceding year in order to calculate removal efficiency and ensure compliance with the requirement of at least 85% removal
- Nine conditions which are described in the CAO as constituting improper operation and maintenance of the Facility
- Improper retention of records by the Facility
- Improper monitoring procedures
- Improper operation of maintenance to the collection system

- Effluent violations which included:
- Two violations for CBOD
- Two violations for Total Suspended Solids
- Two violations for Ammonia Nitrogen
- One violation for pH
- Violation of Wastewater Licensing Requirements:
- Operator of the Facility was alleged to have not been issued a wastewater license by the State of Arkansas

The CAO describes certain corrective actions by the Facility which ADEQ eventually approved (in the form of a Corrective Action Plan ["CAP"]). Carthage subsequently submitted to ADEQ a report detailing corrective actions that had been taken to address the violations and noted it had hired a Class II Wastewater Operator.

The CAO requires that within 30 days of the effective date of the CAO that Carthage submit evidence that its operator is licensed as a Class II Wastewater Operator, at a minimum, in the State of Arkansas. Carthage is also required within 30 days of the effective date of the Order to submit to ADEQ a copy of the Operations and Maintenance Manual for the operator use of Carthage's wastewater treatment system. Immediate compliance with the previously reference CAP and the milestone schedule and final compliance date in the CAP are stated to be enforceable terms of the CAO. Quarterly progress reports are required to be submitted to ADEQ regarding progress toward compliance with all Permit requirements.

The CAO assesses a civil penalty of \$5,150 of which \$4,150 shall be conditionally suspended by ADEQ. The suspension and dismissal of the penalties is contingent upon Carthage complying with the terms of the CAO.

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