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Wastewater Enforcement: Arkansas Department of Environmental Quality and Crawford County, Arkansas, Wastewater Treatment Facility Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Concord Water and Sewer Public Facilities (“Concord”) entered into a December 3rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 18-095.

Concord is stated to operate a wastewater treatment facility (“Facility”) in Van Buren, Arkansas.

The Facility is stated to discharge treated wastewater into an unnamed tributary of Flat Rock Creek, that eventually flows into the Arkansas River. The discharge is authorized pursuant to an NPDES permit.

ADEQ is stated to have conducted a Compliance Evaluation Inspection (“CEI”) on March 8th and simultaneously a State Wastewater Treatment Plant Construction Inspection. The inspection is alleged to have indicated the following violations:

- Solids from the Facility were observed in the receiving stream downstream of the permitted Outfall
- A Sanitary Sewer Overflow (“SSO”) is stated to have occurred from a lift station
- The SSO was not reported within the required amount of time
- A written report was not submitted of the SSO in the required time
- The SSO was not reported on the Monthly Discharge Monitoring Report
- Solids from the treatment system were observed on the ground at a dumpster and chlorine contact chamber
- No disinfection was occurring as the chlorine cylinder was empty
- Leaks were observed from fractures in the wall of the oxidation ditch
- The effluent loading values submitted on the Discharge Monitoring Reports were not being calculated based on the instantaneous flow at the time the grab sample is collected
- No documentation to show that pH and Dissolved Oxygen meters used were being calibrated prior to sample analysis
- Failure to analyze and record duplicate samples for pH and Dissolved Oxygen

- The effluent flow meter was not calibrated within the last year by a qualified source to ensure accuracy within a deviation of 10%
- Written certification from a Professional Engineer stating that the Facility was constructed or modified according to the approved plans was not received by ADEQ

ADEQ is stated to have conducted a review of certified Discharge Monitoring Reports on May 22nd and identified the following alleged violations:

- Forty-nine violations for Carbonaceous Biochemical Oxygen Demand;
- Twelve violations for Ammonia Nitrogen;
- One violations for Dissolved Oxygen; and
- Thirty-two violations for Total Suspended Solids

The CAO requires that within 30 days of the CAO's effective date that a submission be provided to ADEQ containing a written certification from a Professional Engineer licensed in the state of Arkansas that the Facility was constructed or modified according to the approved plans and specifications. Also required are submissions regarding:

- Corrected Discharge Monitoring Reports
- Calibration of Flow Meter
- Sanitary Sewer Overflow Action Plan
- Operations and Maintenance Manual
- Interim Operating Plan
- Revised Comprehensive Corrective Action Plan

A civil penalty of \$10,550 is assessed, of which \$5,275 is conditionally suspended. Such suspension is contingent upon compliance with the terms of the CAO.

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