

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



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Lake View, Arkansas, (“Lake View”) entered into a January 9th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-004.

Lake View is stated to operate a wastewater treatment plant (“Facility”) in Phillips County, Arkansas.

The Facility is stated to discharge treated wastewater to Johnson Bayou and eventually to Segment 4A of the White River Basin. This discharge is regulated pursuant to an NPDES permit.

ADEQ is stated to have conducted a Reconnaissance Inspection of the Facility on August 24, 2018. Such inspection is stated to have identified certain violations which include:

1. The main wastewater transmission line on Wall Street was broken. Untreated wastewater was discharging from the broken transmission line and flowing into drainage ditch on the north side of Wall Street. Respondent is permitted to discharge treated municipal wastewater from Outfall 001. Respondent is not permitted to discharge untreated wastewater from the collection system. Respondent is not permitted to discharge untreated wastewater into waters of the state.
2. The operator of this Facility is required to hold a minimum of a Class II Wastewater Operator license issued by ADEQ pursuant to APC&EC Regulation 3. The current wastewater operator of this facility holds a Class I Wastewater Operator license.
3. Certain conditions are stated to indicate a failure to properly operate and maintain the facility and systems of treatment and control that are installed or used by the Facility to achieve compliance with the conditions of the Permit:
 - Wastewater lagoon were dry and overgrown with vegetation and trees
 - Sand filter distribution lines were disconnected, and the sand filter was covered with vegetative growth
 - The chlorine contact chamber was overgrown with vegetation

ADEQ is stated to have notified Lake View of the inspection results and requested a written response. Lake View is stated to have emailed a photograph of the wastewater lagoon and subsequently faxed correspondence including photographs to the agency stating that the force main along Wall Street had

been repaired. ADEQ is stated to have indicated the photographs were not clear and asked for additional photographs.

The Facility is also stated to have failed to remit certain fees to ADEQ.

The CAO requires that Lake View submit to ADEQ a Corrective Action Report including various documentation. Further, within 30 days of the effective date of the CAO Lake View is required to provide proof of the employment of a Class II Wastewater Operator. Within 60 days of the effective date of the CAO Lake View is required to submit to ADEQ an Operation and Maintenance Schedule which will include certain specific information.

The alleged late fees associated with an identified invoice are required to be paid on or before the date of the effective date of the CAO.

A civil penalty of \$8,400 is assessed, which could have been reduced by one-half if the CAO was returned within 20 days of receipt of the document.

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