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Wastewater Enforcement: Arkansas Department of Environmental Quality and Philips County, Arkansas Improvement District Enter Into Consent Administrative Order Addressing Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and Southland Improvement District ("Southland") entered into a May 4th Consent Administrative Order ("CAO") to address alleged Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit violations. See LIS No. 16-036.

Southland is stated to operate a wastewater treatment facility in West Helena, Arkansas pursuant to a NPDES permit.

The CAO states that ADEQ conducted a routine compliance inspection on August 26, 2015 and identified certain alleged violations which included failure to maintain certain required records (related to thirty day average percentage removal for CBOD and TSS) and the presence of heavy vegetation growing on the lagoon levees. ADEQ's review of Southland's discharge monitoring reports is also alleged to have indicated certain violations of the permitted effluent discharge limits in the NPDES permit from December 1, 2012 – December 31, 2015, which included:

- Six (6) violations for pH;
- Five (5) violations for Total Suspended Solids;
- One (1) violation for Ammonia Nitrogen;
- One (1) violation for Fecal Coliform; and
- Four (4) violations for Carbonaceous Biochemical Oxygen Demand.

Southland was required to submit a Corrective Action Report upon the effective date of the CAO detailing the actions to be taken to correct the alleged violations.

The CAO also provides that if Southland cannot immediately comply it should prepare a reasonable milestone schedule with a date of final compliance of September 30, 2016 and detail the methods and best available technologies that will be used to correct the effluent violations.

A civil penalty of \$2,850 is assessed of which one-half will be forgiven if the CAO was signed prior to May 3, 2016.

[Click here to download a copy of the CAO.](#)