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

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and the City of Magnolia, Arkansas ("Magnolia") entered into a December 1st Consent Administrative Order ("CAO") addressing alleged wastewater and sanitary sewer overflow violations. See LIS No. 16-097.

Magnolia operates a municipal wastewater treatment plant ("facility") and associated infrastructure in Columbia County, Arkansas.

The facility discharges pursuant to a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit to discharge wastewater to Big Creek.

On December 6th, 2015 Magnolia is stated to have submitted a Corrective Action Plan ("CAP") outlining steps it had taken to prevent effluent violations of its NPDES permit. The facility is alleged to have reported 32 additional effluent violations from January 2015 through October 2015 after the CAP was submitted.

ADEQ conducted a review of Certified Discharge Monitoring Reports ("DMRs") submitted by Magnolia for the period of November 1, 2005 through July 1, 2016. This review is alleged to have identified 111 violations of the permitted effluent discharge limits detailed in Part I, Section A of the NPDES permit. The violations allegedly included:

- 22 violations of the effluent limits for Carbonaceous Biochemical Oxygen Demand
- 6 violations of the effluent limits for Total Residual Chlorine
- 32 violations of the effluent limits for Fecal Coliform Bacteria
- 34 violations of the effluent limits for Ammonia Nitrogen
- 5 violations of the effluent limits for pH
- 12 violations of the effluent limits for Total Suspended Solids

Magnolia is alleged to have reported 24 Sanitary Sewer Overflows totaling more than 5,000 gallons during the periods from January 10, 2012 through September 14th, 2016.

ADEQ proposed a draft CAO to Magnolia to resolve the previously alleged violations.

Magnolia submitted a response to the draft CAO on March 17th, 2016. The City stated it purchased a sewer smoke machine and pipe cleaning system to evaluate its sanitary sewer system. In addition, Magnolia proposed as a Supplemental Environmental Project providing equipment and the City's

manpower to neighboring Columbia County cities that have wastewater collection systems to assist with line cleaning and stoppages.

The CAO requires that Magnolia immediately comply and stay in compliance with all permitted effluent limits and within 30 days of the effective date of the document submit to ADEQ a comprehensive CAP developed by a Professional Engineer registered in the State of Arkansas. The CAP is required to include a reasonable milestone schedule with a date for final compliance no later than December 31, 2016 and detail methods and best available technologies that will be used to correct the violations previously referenced and future violations. Once ADEQ approves the CAP Magnolia agrees to comply with the terms and milestones scheduled.

Within six months of the effective date of the CAO, with the overall goal of eliminating sanitary sewer overflows, Magnolia is required to develop and submit to ADEQ for review and approval a Sewer System Evaluation Study that is certified by a Professional Engineer licensed in the State of Arkansas for its sanitary sewer collection system. The elements of this Sewer System Evaluation Study is detailed in the CAO and must include a Sanitary Sewer Overflow Plan with a milestone schedule. Upon approval by ADEQ, the Sanitary Sewer Overflow Plan milestone schedule must be incorporated in the CAO by reference and become as fully enforceable as the terms of the CAO.

Magnolia agrees to a civil penalty of \$6,000. Further, Magnolia may also choose to fund a supplemental environmental project in the amount of \$3,000. If so, it agrees to pay a reduced civil penalty of \$3,000.

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