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SSO/Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Perryville Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the City of Perryville, Arkansas (“Perryville”), entered into an October 8th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-179.

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

The Facility is stated to discharge treated wastewater to the Fourche LaFave which eventually flows into the Arkansas River. The discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have undertaken a Reconnaissance Inspection of the Facility on October 1, 2019. The inspection is stated to have indicated certain violations:

- Visible solids were passing through the aeration basin, clarifier, and contact basin
- The final effluent was brown in color and appeared to be inadequately treated

DEQ is stated to have notified Perryville of the results of the inspection and requested a response. Perryville is stated to have failed to respond to DEQ.

The CAO further provides that DEQ conducted a review of Certified Discharge Monitoring Reports (“DMRs”) submitted by Perryville in accordance with the NPDES permit. Such review is stated to have indicated that Perryville reported certain violations of the permitted effluent discharge limits from January 1, 2017, through May 31, 2020:

- Two (2) violations for Biochemical Oxygen Demand;
- Ten (10) violations for Carbonaceous Biochemical Oxygen Demand;
- Fourteen (14) violations for Fecal Coliform Bacteria;
- Thirteen (13) violations for Dissolved Oxygen;
- Thirty-One (31) violations for Total Suspended Solids; and

- Sixteen (16) violations for Ammonia Nitrogen

DEQ is stated to have conducted a review of the sanitary sewer overflows (“SSOs”) and treatment bypasses reported by Perryville in accordance with the NPDES permit for the period of January 1, 2018 through May 31, 2020. Such review is stated to have indicated 18 SSOs.

DEQ requested that Perryville submit a Corrective Action Plan (“CAP”) to DEQ. The City submitted a CAP to DEQ with a final compliance date of October 31, 2022. DEQ notified Perryville that the CAP was adequate and provided comments.

Perryville is required to comply with the approved CAP and final compliance date of October 31, 2022. As a result, the terms, milestone schedule, and final compliance date are fully enforceable as terms of the CAO.

Perryville is required within 90 calendar days of the effective date of the CAO to submit to DEQ, for review and approval, a comprehensive Sanitary Sewer Flow Monitoring and Infiltration and Inflow (I & I) Study developed by a Professional Engineer licensed in the State of Arkansas. The elements of the I & I study are described. They are required to be reviewed and approved by DEQ. Quarterly reports are required and a final compliance report must be submitted on or before October 31, 2022.

A civil penalty of \$8,400 is assessed of which \$6,400 is conditionally suspended. The suspension and dismissal of civil penalties is contingent upon Perryville complying with the terms of the CAO.

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