Sanitary Sewer Overflow Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and City of Booneville Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and the City of Booneville, Arkansas, ("Booneville") entered into a March 8th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit. See LIS No. 22-020.

The CAO provides that Booneville operates a municipal wastewater treatment facility ("Facility") in Logan County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Booneville Creek which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have performed a review of the Sanitary Sewer Overflows ("SSOs") on May 25, 2017, reported by Booneville during the period May 1, 2013, through March 31, 2017. Booneville is stated to have reported 172 SSOs totally approximately 969,000 gallons during the review period. Each SSO is stated to constitute an unpermitted discharge.

DEQ is stated to have sent Booneville a letter requesting a Corrective Action Plan ("CAP") be submitted to DEQ to address the SSOs. Such letter was sent on May 26, 2017. The CAP was to have a milestone schedule, final date of compliance and be certified by an Arkansas Professional Engineer.

Booneville sent a CAP to DEQ on June 21, 2017, with a final compliance date of March 15, 2020. Booneville is stated to have submitted quarterly progress reports detailing the work completed to address the SSO violations from December 1, 2017, through August 31, 2021. The work is stated to have included:

- Smoke testing
- Closed circuit television analysis
- Manhole repair and replacement
- Pipe bursting

- Other actions

DEQ performed on July 1, 2021, a follow-up review of the SSOs reported by Booneville from April 1, 2017, through June 30, 2021. Such review is stated to have indicated that Booneville reported 339 SSOs totaling approximately 3.25 million gallons during the review period. Each SSO is stated to have constituted an unpermitted discharge.

DEQ sent Booneville on July 2, 2021, a request for an updated CAP with a revised milestone schedule and final compliance date. Further, DEQ requested a map of the collection system, a summary of the corrective actions performed thus far, the root cause of the SSOs, and an analysis of the seven areas where recurring SSOs were reported. Booneville subsequently provided DEQ a map of the collection system on July 26, 2021. Further, Booneville provided DEQ with a revised CAP and an updated milestone schedule along with a revised compliance date of January 31, 2028. However, DEQ is stated to have notified Booneville that the revised milestone schedule did not provide sufficient detail.

The CAO requires that within 12 months of its effective date Booneville develop and submit to DEQ for review and approval a Sewer System Evaluation Study ("SSES") for its sanitary sewer collection system. The SSES must be certified by an Arkansas Professional Engineer. Further, the CAO describes a number of elements that must be included in the SSES.

Within three months of submitting the SSES Booneville is required to submit a Sanitary Sewer Rehabilitation Plan ("SSRP") to DEQ for review and approval. The SSRP is required to address the deficiencies identified by the SSES and also:

- Detail the actions to be taken to eliminate peak flows caused by inflow and infiltration
- Establish steps necessary to repair or replace equipment deficiencies

The SSRP is required to include a number of elements. Upon approval by DEQ, the SSRP, milestone schedule, and final compliance date will constitute enforceable terms of the CAO. Quarterly progress reports must be provided.

A civil penalty of $4,200 is assessed which could have been reduced by one half if the document was returned to DEQ within 20 days of its receipt.

A copy of the CAO can be downloaded here.