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SSO/Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Randolph County Wastewater Treatment Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Tri-City Utilities, Inc. ("Tri-City") entered into a March 10th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 22-025.

The CAO provides that Tri-City operates a municipal wastewater treatment facility ("Facility") in Randolph County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Beaver Dam Ditch which eventually flows into the White River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have sent Tri-City a letter on December 11, 2017, requesting a Corrective Action Plan ("CAP") to address 39 violations of the NPDES permit effluent limitations from February 1, 2015, through October 31, 2017. The parameters with reported violations are stated to have included:

- Ammonia Nitrogen
- Carbonaceous Biochemical Oxygen Demand
- Dissolved Oxygen
- Total Suspended Solids

The CAP was required to have a milestone schedule, final date of compliance, and be certified by an Arkansas Professional Engineer.

Tri-City submitted a CAP on January 11, 2018, with a final compliance date of July 31, 2018. Such CAP is stated to have indicated that lift station pumps in the Town of O'Kean, Town of Delaplaine, and the City of Peach Orchard would be replaced in November 2018.

Tri-City submitted progress reports from 2018 to 2021 detailing actions to achieve compliance. Nevertheless, the CAO provides that Tri-City continued to report violations past the final compliance date. Progress reports are stated to indicate that the three cities serviced by the Facility are experiencing leaks within their collection systems.

DEQ conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Tri-City. Such review is stated to have indicated the following violations:

- Thirty-two (32) violations of Ammonia Nitrogen
- Eight (8) violations of Dissolved Oxygen
- Four (4) violations of Total Suspended Solids
- Two (2) violations of Fecal Coliform Bacteria
- One (1) violation of Carbonaceous Biochemical Oxygen Demand

DEQ sent Tri-City a letter requesting a revised CAP to address the alleged violations. The revised CAP was to have a milestone schedule, final date of compliance, and be certified by an Arkansas Professional Engineer and due on November 29, 2021.

DEQ is stated to have conducted a review of sanitary sewer overflows (“SSOs”) reported by Tri-City for the period of December 1, 2018, through November 15, 2021. The review is stated to have indicated that Tri-City reported 26 SSOs.

Tri-City submitted a revised CAP with a final compliance date of October 2022. Such revised CAP was deemed adequate and quarterly progress reports detailing corrective actions to achieve compliance were requested. The final compliance date for the revised CAP submitted by Tri-City on March 8, 2022, is December 31, 2024.

The CAO requires that Tri-City comply with the terms, milestone schedule, and final compliance date of December 31, 2024, contained in the approved revised CAP. As a result, the milestone schedule and final compliance date are fully enforceable as terms of the CAO. Further, quarterly progress reports are required. The CAO also requires within 270 days of the effective date of the CAO that Tri-city develop and submit to DEQ for review and approval a Sewer System Evaluation Study (“Study”) for its sanitary sewer collection system. This Study must be certified by an Arkansas Professional Engineer.

Required elements of the Study are addressed in the CAO. In addition, the Study must include an SSO plan with a milestone schedule that details the steps Tri-City must take to implement the corrective actions fully and expeditiously. The required actions are incorporated into the CAO and become fully enforceable.

A civil penalty of \$8,600 is assessed which is conditionally suspended if Tri-City complies with the provisions of the CAO.

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