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



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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and Shannon Hills, Arkansas ("Shannon Hills") entered into a March 1st Consent Administrative Order ("CAO") addressing alleged violations of the Clean Water Act. See LIS No. 22-018.

The CAO provides that Shannon Hills operates a municipal wastewater treatment facility ("Facility") in Saline County, Arkansas.

The Facility is stated to discharge treated wastewater via a 10-inch force main to Otter Creek which eventually flows to the Arkansas River. Such discharge is regulated pursuant to a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit.

DEQ sent Shannon Hills a letter requesting a Corrective Action Plan ("CAP") on January 9, 2020, to address effluent violations. The CAP was required to have a milestone schedule, a final date of compliance, and be certified by an Arkansas Professional Engineer.

The CAP was submitted to DEQ on February 12, 2020, with a final compliance date of November 25, 2020. DEQ conditionally approved the CAP and requested a new milestone schedule.

DEQ is stated to have performed an inspection of a lift station on August 18, 2021 due to a sanitary sewer overflow. The inspection allegedly identified the following violations:

- There was a buildup of solids at the top of the wet well.
- The lift station high level alarm light was removed from operation.
- Lift station displayed signs of overflow.

DEQ sent Shannon Hills an email informing it that DEQ observed evidence of Sanitary Sewer Overflows ("SSOs") at a lift station and requested a CAP. Further, Shannon Hills was instructed to report SSOs to DEQ immediately. Shannon Hills is stated to have reported to DEQ that the SSO had been reported and that it was working to replace grinder pumps in the area where it occurred.

DEQ conducted a review of certified Discharge Monitoring Reports ("DMRs") on October 13, 2021. The following violations were allegedly identified:

a. Twenty-seven (27) violations of Ammonia Nitrogen;

b. Seven (7) violations of violations of Total Suspended Solids; and

c. Two (2) violations of for Fecal Coliform Bacteria.

The review is also stated to have indicated that Shannon Hills did not submit certain noncompliance reports ("NCRs") for the alleged violations. Further, the Facility is stated to have reported a design flow greater than the permitted flow of 0.641 million gallons per day during the following monitoring periods:

a. 2018: August, September, October, November, and December;

b. 2019: January, March, April, May, June, July, October, November, and December;

c. 2020: January, February, March, April, May, June, September, November and December; and

d. 2021: January, March, April, May, June and July.

A review of SSOs reported by Shannon Hills was undertaken by DEQ for the period of August 1, 2018, through October 13, 2021. The review is stated to have indicated Shannon Hills reported six SSOs totaling approximately 3,135 gallons.

DEQ and Shannon Hills met on November 10, 2021, to discuss:

- SSOs
- Effluent violations
- Improvements to the facility
- Renewal permit application due to DEQ by February 1, 2022

Shannon Hills provided an update on deliverables discussed in the meeting. However, the update did not include the requested CAP with a milestone schedule.

The CAO requires that within 30 calendar days of its effective date, Shannon Hills shall submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer which is required to include methods and best available technologies that will be used to correct the violations listed in the Findings of Fact, address the exceedances of the treatment system design flow, and prevent future violations. A milestone schedule must be included with a date of final compliance no later than December 31, 2023. Once approved by DEQ, the components are thereby incorporated into the CAO. Quarterly progress reports are required.

The CAO also requires that Shannon Hills submit to DEQ the NCRs referenced in Findings of Fact Paragraph 19 and submit an NCR for every monitoring period during which any violation of the permitted effluent discharge limitations is reported.

Within 12 months of its effective date Shannon Hills is required to 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 and include a number of elements specified in Paragraph 4 of the Order and Agreement section of the CAO.

The SSES must include an SSO plan with milestone schedule that details the steps Shannon Hills shall take to implement the corrective actions fully and expeditiously. Upon approval, the SSO plan and milestone schedule are incorporated into the CAO and therefore enforceable.

A civil penalty of $5,200 is assessed which could have been reduced to $2,600 if the document was signed and returned to DEQ within 20 calendar days of its receipt.

A copy of the CAO can be downloaded here.