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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) entered into a March 14th Consent Administrative Order (“CAO”) with the City of Wabbaseka, Arkansas (“Wabbaseka”). See LIS No. 23-023.

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

The Facility is stated to discharge treated wastewater to Lateral No. 2 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 is stated to have entered into a 2021 CAO with Wabbaseka for failure to submit a timely permit renewal application, failure to pay annual permit fees, and failure to submit discharge monitoring reports (“DMRs”). The 2021 CAO authorizes Wabbaseka to operate the Facility until DEQ issues a renewal permit.

DEQ undertook a review of certified DMRs on August 19, 2022, submitted by Wabbaseka. Such reviews are stated to have indicated the following violations:

1. Eighteen (18) violations of Total Suspended Solids;
2. Six (6) violations of Fecal Coliform Bacteria;
3. Five (5) violations of pH;
4. Two (2) violation of Biochemical Oxygen Demand;
5. One (1) violation of Ammonia Nitrogen; and
6. One (1) violation of dissolved Oxygen.

The review of the DMRs is also stated to have indicated that the Facility submitted late DMRs for the following monitoring periods:

- 2021: January, February, March, April, June, October, November, and December.
- 2022: January, February, March, May, June, July, August, September, October, and November.

The review of the DMRS also indicated that that the Facility failed to conduct analysis for the monitoring period of March 2021.

The CAO provides that Wabaseka has also not remitted certain funds required by an invoice.

The CAO requires that within 90 calendar days of its effective date Wabaseka submit to DEQ for review and approval a comprehensive Corrective Action Plan ("CAP") developed by an Arkansas Professional Engineer which shall include at a minimum the methods and best available technologies that will be used to correct the violations listed in the Findings of Fact and prevent future violations. A reasonable milestone schedule with a date of final compliance no later than December 31, 2025, is required. Upon approval this document shall be fully enforceable as terms of the CAO.

The CAO also requires on or before the 15th day of the month following the effective date of the CAO and each quarter thereafter the submission of quarterly progress reports. Further, Wabaseka is required to submit all DMRs in accordance with Part III, Section C, Condition 5 of the NPDES permit and remit all required fees.

A civil penalty of \$2,950 is assessed which is conditionally suspended based upon Wabaseka's full compliance with the CAO.

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