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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality and Lonoke County Property Owners' Multipurpose Improvement District No. 12 ("MID") entered into a July 10th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 23-055.

The CAO provides that MID operates a domestic wastewater facility ("Facility") in Scott, Arkansas.

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

The CAO provides that MID was required pursuant to the NPDES permit to submit progress reports for two years detailing the actions taken to achieve compliance with the final effluent limits for Total Residual Chlorine ("TRC").

On February 28, 2020, and May 12, 2021, MID is stated to have submitted progress reports detailing the actions taken to come into compliance with the final effluent limits for TRC.

MID is stated to have submitted a Corrective Action Plan ("CAP") on May 24, 2022, to DEQ detailing the corrective actions necessary to meet the final effluent limits for TRC. Such CAP had a final compliance date of June 15th.

DEQ conducted a review of certified Discharge Monitoring Reports ("DRMs") submitted by MID on August 23rd. Such review is stated to have identified the following effluent limitation violations:

1. Thirteen (13) violations of Total Suspended Solids;
2. Five (5) violations of Fecal Coliform Bacteria;
3. Three (3) violations of Total Residual Chlorine;
4. One (1) violation of ammonia Nitrogen; and
5. One (1) violation of BOD, carbonaceous.

MID is also stated to have reported a laboratory error or invalid test for ammonia nitrogen, fecal coliform bacteria, and CBOD for the monitoring period ending October 31, 2021. This is stated to constitute a violation of the NPDES permit.

MID submitted a State Construction Permit application for modification of the permit to DEQ on August 31, 2022, with additional information submitted on September 6, 2022. MID plans to replace the current tablet chlorinator disinfection system with an UV disinfection system.

DEQ is notified MID on September 13, 2021, that the State Construction Permit application had been reviewed and was deemed administratively complete. MID submitted a revised CAP and milestone schedule on December 15, 2022, and extended the final compliance date to January 15, 2024.

The CAO requires that MID submit all DMRs in accordance with Part III, Section C, Condition 5 of the NPDES permit. Further, MID is required to complete the terms and milestones contained in the CAP with a final compliance date the last day of the 12th month following the effective date of the Construction Permit. Such milestones and final compliance date are fully enforceable as terms of the CAO.

Quarterly progress reports are required.

A civil penalty of \$5,300 is assessed of which \$4,800 is conditionally suspended if MID fully complies with the CAO.

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