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

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08/29/2024

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") entered into a February 6th Consent Administrative Order ("CAO") with the City of Fort Smith, Arkansas addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 24-023.

The CAO provides that Fort Smith operates a municipal wastewater treatment plant ("Facility") in Sebastian County, Arkansas.

The Facility is denominated the Massard Water Reclamation Facility.

The Facility is stated to discharge treated wastewater to the Arkansas River at Pool 13. Such discharge is regulated pursuant to an NPDES Permit.

Fort Smith notified DEQ on August 21, 2023, that it had been unable to meet the permitted effluent limitations for Ammonia Nitrogen since May 2023, and anticipated additional violations. Further, the city stated it would submit a Corrective Action Plan ("CAP") with a milestone schedule and a final date of compliance to address the violations.

A Consent Order was requested to allow sufficient time to identify the cause of the exceedances and take corrective actions.

DEQ on September 6, 2023, stated that it would expect the CAP to be submitted on or before November 21, 2023. The agency would prepare a CAO to address the effluent violations and incorporate the CAP and milestone schedule.

DEQ conducted a review of certified Discharge Monitoring Reports on January 18th. The review stated to have identified the following violations:

1. Sixteen (16) violations of Ammonia Nitrogen;
2. Two (2) violations of Carbonaceous Biochemical Oxygen Demand;

3. Two (2) violations of Total Suspended Solids; and,
4. Two (2) violations of Fecal Coliform Bacteria.

The CAO requires that within 30 calendar days of its effective date that Fort Smith submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer. The CAP is required at a minimum to include the methods and best available technologies that will be used to correct the violations and prevent future violations.

The terms, milestone schedule, and final compliance date contained in the approved CAP shall be fully enforceable terms of the CAO.

Certain progress reports are required to be submitted.

A civil penalty of $3,600.00 is assessed, which is conditionally suspended if Fort Smith fully complies with the CAO.

A copy of the CAO can be downloaded here.