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

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04/02/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and City of Bauxite, Arkansas entered into a March 10th Consent Administrative Order ("CAO") addressing alleged violations of the Clean Water Act National Pollution Discharge Elimination System ("NPDES") Permit. See LIS No. 25-020.

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

The Facility is stated to discharge treated wastewater to an unnamed tributary which eventually flows into the Saline River. Such discharge is authorized pursuant to an NPDES Permit.

DEQ and Bauxite are stated to have entered into a CAO (20-004) on December 31, 2019. Bauxite is stated to have certified final compliance with that CAO on July 2, 2021. The city subsequently reported violations of the permitted effluent limits for ammonia for the months of July, October, and December of 2021, and January and February of 2022.

DEQ is stated to have conducted an inspection of the Facility on January 13, 2022, and identified the following violations:

- Areas of the plant are showing signs of corrosion.
- Failure to conduct calibration checks on the flowmeter to ensure continued compliance.
- Failure to calibrate the pH meter before sample analysis.
- Failure to properly dispose of solid waste recovered from the high school pump station.
- Failure to post emergency contact information at each pump station.

DEQ and Bauxite are stated to have met to discuss ongoing issues at the Facility on June 25, 2024. Further, DEQ received photographs from Bauxite the following day documenting sewer plant repairs that had been undertaken.

DEQ conducted a review of certified Discharge Monitoring Reports ("DMRs") submitted by Bauxite. Such review was conducted on June 28, 2024, and identified the following violations of effluent discharge limits:

- Seventy-one (71) violations of Ammonia Nitrogen;
- Twenty-six (26) violations of Total Suspended Solids;
- Eighteen (18) violations of Fecal Coliform Bacteria; and
- Ten (10) violations of Carbonaceous Biochemical Oxygen Demand (CBOD).

A review of the DMRs is stated to have indicated that Bauxite failed to submit DMRs by the due date for the following twenty monitoring periods:

- 2021: November, December;
- 2022: February, April, May, July, August, December;
- 2023: January, February, June, July, August, September, October; and
- 2024: January, February, March, April, and May.

DEQ is stated to have conducted a review of certified DMRs on October 2, 2024, and identified the following violations:

- Nine (9) violations of Ammonia Nitrogen;
- Six (6) violations of Total Suspended Solids;
- Five (5) violations of Fecal Coliform Bacteria; and
- Three (3) violations of CBOD.

A January 27th review of DMRs by DEQ is stated to have identified the following violations:

- Eleven (11) violations of Ammonia Nitrogen;
- Six (6) violations of Total Suspended Solids;
- Six (6) violations of CBOD; and
- Two (2) violations of Fecal Coliform Bacteria.

The review of the DMRs is stated to have indicated that Bauxite failed to submit the DMR by the due date for the following monitoring period:

- 2024: November.

Upon the effective date of this CAO, the prior CAO is closed.

Within 30 calendar days of the effective date of this CAO, Bauxite is required to submit to DEQ documentation showing that the flowmeter has been calibrated. Further, flow readings are required to be taken in accordance with the relevant portion of the Permit and monthly flow readings for the Facility are required for a period of two years to be attached to the corresponding DMRs.

A Corrective Action Plan ("CAP") is required to be developed within 30 calendar days of the effective date of the CAO by an Arkansas Professional Engineer. The CAP must include at a minimum the methods and best available technologies that will be used to correct the violations listed in the Findings of Facts to prevent further violations. A reasonable milestone schedule must be included.

Quarterly progress reports are also required.

A civil penalty of $9,250.00 is assessed, of which $5,250.00 is conditionally suspended if Bauxite fully complies with the CAO.

A copy of the CAO can be downloaded here.