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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and City of Atkins, Arkansas entered into a May 15th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-043.

Atkins is stated to operate two minor municipal wastewater treatment facilities in Pope County, identified as:

- North Wastewater Treatment Facility ("North Facility").
- South Wastewater Treatment Plant ("South Facility").

Wastewater is stated to be discharged from the North Facility to the Arkansas River and the South Facility to Horsehead Branch which eventually flows into the Arkansas River. Such discharges are regulated pursuant to an NPDES Permit.

The CAO references a prior CAO executed into 2019 to address sanitary sewer overflows ("SSO"), which was subsequently amended in 2020 to extend the timeframe to submit the Sanitary Sewer Survey and Evaluation Study ("SSSES") and Sanitary Sewer Remediation Plan ("SSRP").

Atkins is stated to have notified DEQ that the SSSES and SSRP were completed on October 13, 2023, and projects would be worked on that would contribute the most to elimination of Inflow and Infiltration ("I&I") in the collection system. A revised milestone schedule with a final compliance date of December 29, 2029, was submitted in 2024. Further, Atkins reported that the plan going forward is to allocate remaining funds towards ongoing efforts in reducing and managing SSOs and I&I and to identify potential areas of rehabilitation.

A revised milestone schedule is stated to have been submitted on September 30, 2024, that includes SSO elimination and pond sludge removal, letters to and from Twin River Foods discussion BOD discharge overages, and maps of the manholes.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports ("DMRs") submitted by Atkins on December 28, 2023, in reference to the North Facility NPDES Permit. A review is stated to have indicated the following violations:

- Ten (10) violations of Biochemical Oxygen Demand;
- Three (3) violations of Fecal Coliform Bacteria; and
- Two (2) violations of Dissolved Oxygen.

DEQ is also stated to have conducted a review of the SSOs reported by Atkins in accordance with the North Facility NPDES Permit for the period April 18, 2023, through November 30, 2023. Six SSOs are stated to have been reported, which constitutes an unpermitted discharge.

Atkins is stated to have reported on July 16, 2024, that the contract engineers performed a capacity evaluation of an unsatisfactory lift station used for conveyance to the North Facility, and with some adjustments, the lift station was then performing well. This effort was stated to mitigate SSOs.

DEQ is stated to have conducted a review on February 19 of DMRs for the North Facility. This review is stated to have indicated nine violations for Biochemical Oxygen Demand. Further, DEQ conducted a review of SSOs reported by Atkins for the period December 1, 2023, through January 31, 2023, and reported 16 SSOs, constituting unpermitted discharges.

DEQ conducted a review of DMRs related to the South Facility on December 28, 2023. The review is stated to have identified the following violations:

- Seven (7) violations of Dissolved Oxygen;
- Four (4) violations of Fecal Coliform Bacteria;
- Three (3) violations of Total Suspended Solids; and
- One (I) violation of pH.

Atkins is stated to have reported ongoing efforts to rehab the collection system on July 16, 2023, and not seen a reduction of influent volume. Not all sources of I&I within the collection system are stated to have been located. As a result, Atkins states the area will need to be televised for an exact determination of the issues and a design and construction phase will be implemented to rehab the sanitary sewer line.

DEQ conducted a review of DMRs on February 19, 2025, related to the South Facility which indicated seven violations for Dissolved Oxygen. Further, DEQ conducted a review of the SSOs reported by Atkins for the period December 1, 2023, through January 31, 2024. The review is stated to have indicated that two SSOs had been reported which constituted unpermitted discharges.

The CAO requires that Atkins continue to implement the SSRP to reduce and eliminate SSOs in accordance with the revised milestone schedule. Further, Atkins is required to submit a certification of compliance from an Arkansas Professional Engineer stating that the corrective actions listed in the SSRP have been completed.

The previously referenced CAO is closed.

Atkins is required within 30 calendar days of the effective date to submit to DEQ for review and approval a comprehensive Corrective Action Plan developed by a Arkansas Professional Engineer. The CAP is required to include at a minimum, the methods and best available technologies that will be used to correct the violations listed in Findings of Fact Paragraphs 18, 22, 27, and 30 to prevent future violations.

Quarterly progress reports are required.

A civil penalty of $6,400.00 is assessed, which could have been reduced by one-half if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

A copy of the CAO can be downloaded here.