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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Saline County Waterworks and Sanitary Sewer PFB/Saline County Waterworks and Sewer WWTP ("SCW") entered into an April 30th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-023.

The CAO provides that SCW operates a municipal wastewater treatment facility in Saline County, Arkansas.

The facility is stated to discharge treated wastewater to Crooked Creek which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES Permit.

DEQ is stated to have performed a review of Discharge Monitoring Reports ("DMRs") submitted by SCW on January 7, 2022. The review is stated to have indicated that SCW reported 43 violations of permitted effluent discharge limits from December 1, 2016, through September 30, 2018.

A letter was sent to SCW requesting a Corrective Action Plan ("CAP") to address the effluent violations and identify the actions to be taken to correct and prevent recurrence of the effluent violations. A milestone schedule was required with a final date of compliance not to exceed Februa1y 28, 2021. SCW submitted a response to the CAP request on January 31, 2020. The response requested that DEQ table the request for CAP until the treatment plant upgrades were completed.

DEQ notified SCW on January 28, 2020, that the response was inadequate with the following comments:

1. The causes of the effluent violations were not listed;
2. The evaluation of the current treatment system for compliance was not submitted;
3. No corrective actions were submitted;
4. No milestone schedule for the corrective actions was submitted; and
5. The CAP was not certified by a P.E. licensed in the state of Arkansas.

DEQ requested a revised CAP within 30 days of receipt of the letter. SCW submitted a revised CAP to DEQ with a final compliance date of March 31, 2022. The CAP was conditionally approved for the evaluation of the in-plant operations and assessment of the blower and its components including air valves. DEQ also requested that certain information be submitted by May 31, 2020. The additional information was submitted by SCW on May 22, 2020. Further, a revised CAP with a final compliance date of March 31, 2023, was submitted.

On October 1, 2020, DEQ notified SCW that certain information was requested.

DEQ requested that a revised CAP be submitted on October 1, 2020. SCW submitted a revised CAP on October 15, 2020, with a final compliance date of December 31, 2021, for the ammonia nitrogen violations. The revised CAP was deemed adequate, however, DEQ required certain additional submission, quarterly progress reports, and a certification from a Professional Engineer that the facility is in compliance with the NPDES Permit. SCW submitted a progress report with revised milestone schedule requesting that their final compliance date be extended to March 31, 2024.

A meeting was held between DEQ and SCW on April 16, 2024, to discuss various issues such as failure to meet effluent limits consistently and SCW's efforts to complete the CAP. Further, that SCW serves 823 sewer connections, and the discharge from the facility consistently exceeds the facility's design flow of 0.2 million gallons per day.

SCW submitted a revised CAP on May 16, 2024, with a final compliance date of July 1, 2028. DEQ deemed the revised CAP adequate and requested quarterly progress reports.

On February 13, 2025, DEQ conducted a review of DMRs and identified the following violations:

1. Twenty-three (23) violations of Ammonia Nitrogen;
2. Fourteen (14) violations of Total Suspended Solids; and
3. Five (5) violations of Fecal Coliform Bacteria.

The review of the DMRs is also stated to have indicated a failure to submit Non-Compliance Reports for effluent violations during 14 monitoring periods.

The CAO provides that SCW shall not add wastewater connections outside of the described service area, or connections that cause an exceedance of the treatment works' design flow, without approval from the DEQ and the Arkansas Department of Health. The Order does not prohibit sewer service or a metered water service for individual existing lots or parcels that have an existing sanitary service tap to the existing wastewater collection system, or existing lots or parcels that, had sanitary service through the existing wastewater collection system at some time in the past. No future subdivision lots that are not already being served with a sanitary sewer service will be added to the wastewater collection system.

The CAO also requires that within 30 calendar days of its effective date that SCW submit to DEQ a list of its board members and certain information. The list is required to be updated.

SCW is required to take flow reading in accordance with Part I.A of the Permit. In addition, SCW is required to comply with the terms, milestone schedule, and final compliance date in the revised CAP. Quarterly progress reports are required. On or before the effective date of the CAO, SCW is required to submit a plan for submitted NCRs, signed by the Responsible Official and Cognizant Official that includes certain information. In addition, an interim operating plan is required within 60 days to detail he operational measures that will be undertaken to maximize the removal efficiency of all pollutants covered by this Permit. Also, within 60 calendar days of the effective date, SCW shall submit a staff evaluation and operations plan, prepared and stamped by a P .E. licensed in the state of Arkansas, that includes various information.

A civil penalty of $6,750.00 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.