SSO/Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Cabot Enter into Consent Administrative Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

09/18/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and the City of Cabot, Arkansas entered into an April 3rd Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-027.

The CAO provides that Cabot operates a major municipal wastewater treatment plant in Lonoke County, Arkansas.

The plant is stated to discharge treated wastewater to an unnamed tributary of Bayou Two Prairie, which eventually flows into the Arkansas River. Such discharge is regulated pursuant to an NPDES Permit.

The NPDES Permit requires that Cabot submit a complete permit renewal application at least 180 day prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date.

Cabot is stated to intend to operate the facility beyond the expiration date of the current NPDES Permit.

Cabot submitted an NPDES permit renewal application on August 30, 2024, and was deemed administratively complete the same day.

Cabot informed ADEQ that it hired a private laboratory in May 2024 to perform water sample collection and analysis on Effluent and Influent water samples during the month of June. The private laboratory is stated to have failed to collect influent samples which delayed influent sample results until July. When the test results were submitted, Cabot requested the laboratory reports to be reprinted in August to reflect the Minimum Detection Limits ("MDL") as well as EPA Method used.

The sample collection dates, and report dates are stated to reflect the delay on influent samples. Cabot stated the delay associated with the private laboratory caused the Permit renewal application to be submitted late.

Because the permit renewal application was submitted late, this is stated to constitute a violation of Part III.D.10 of the NPDES Permit.

ADEQ is stated to have conducted a review of the Sanitary Sewer Overflows ("SSOs") reported by Cabot in accordance with the Permit for the period of August 1, 2021, through October 15, 2024. The review is stated to have indicated that Cabot reported (35) SSOs totaling over 12,000 gallons. Each unpermitted discharge is stated to violate Ark. Code Ann. § 8-4-217(b)(l)(E).

On January 27th, Cabot is stated to have requested that the following be included in the CAO:

- Respondent provided information establishing that approximately half of the thirty-five (35) SSOs identified were caused by the installation of fiber optic cable by third parties within the City of Cabot. Said SSOs occurred when contractors using directional boring equipment drilled through water and sewer lines due to no fault of Respondent.

Further, Cabot requested to use its Capital Improvement Plan ("CIP") to address SSOs instead of a Sewer System Evaluation Study.

Cabot is required to comply with the existing NPDES Permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, Cabot will use its CIP and budgets annually to replace sewer collection mains. The CAO requires that Cabot continue to follow the CIP and that it be evaluated annually to determine high-priority projects.

Annual project progress reports are required.

A civil penalty of $2,200.00 is assessed.

A copy of the CAO can be downloaded here.