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



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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and City of Manila entered into an August 29th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-063.

The CAO provides that Manila operates a minor municipal wastewater treatment facility in Mississippi County, Arkansas.

The facility is stated to discharge treated wastewater to Ditch No. 81 which eventually flows to the St. Francis River Basin. Such discharge is regulated pursuant to an NPDES Permit.

DEQ is stated to have requested on July 7, 2021, that Manila submit a Corrective Action Plan ("CAP") to address violations of the permitted effluent discharge limitations. DEQ and Manila met on September 20, 2021, after extensions of the request to discuss the CAP.

Manila requested to submit an interim CAP, quarterly progress reports, and coordinate with an engineer to perform an evaluation of the facility. The CAP was submitted to DEQ on October 6, 2021, with a final compliance date of May 1, 2022.

Manila submitted progress reports on September 26, 2022, and March 10, 2023, detailing actions taken to achieve compliance with the final effluent limits for TRC. On February 29, 2024, Manila notified DEQ that the facility was not in compliance with the final effluent limits for TRC and would not be for at least three to six months. A certification that the facility was in compliance with the final effluent limits for TRC for March 1, 2024, was not provided. TRC effluent limits were exceeded 11 times from March of 2024 to February 2025.

DEQ conducted a review of the Discharge Monitoring Reports ("DMRs") submitted by Manila. Such review was conducted on April 14th and indicated the following violations:

1. Twenty-three (23) violations of Fecal Coliform Bacteria;

2. Eleven (11) violations of Biochemical Oxygen Demand;
3. Nine (9) violations of Carbonaceous Biochemical Oxygen Demand;
4. Six (6) violations of Total Suspended Solids; and
5. Twelve (12) violations of Total Residual Chlorine.

The review of the DMRs also indicated that Manila failed to submit a Non-Compliance Report for effluent violations reported during the monitoring period ending June 30, 2022. Further, the review indicated that Manila submitted its DMRs after the due date for 16 monitoring periods.

The CAO requires that within 30 calendar days of its effective date that Manila submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas professional engineer which should include at a minimum, the methods and best available technologies that will be used to correct the violations listed in Findings of Fact and prevent future violations. A system will also be implemented to make sure Manila meets all reporting requirements. A milestone schedule must be included with a final compliance date no later than December 31, 2027. Quarterly progress reports are required.

A civil penalty of $8,100.00 is assessed, of which $6,000.00 is conditionally suspended contingent upon Manila's complying with the terms of the CAO.

A copy of the CAO can be downloaded here.