

Wastewater Enforcement: Arkansas Department of Environmental Quality and City of Mountain View, Arkansas Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Mountain View, Arkansas (“Mountain View”) entered into an April 24th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Permit. See LIS No. 18-041.

Mountain View is stated to operate a water treatment plant (“Facility”) in Mountain View, Arkansas, which discharges treated process water to Warren Hollow, eventually flowing into the White River Basin.

The Mountain View discharges pursuant to an NPDES Permit.

ADEQ is stated to have undertaken a Reconnaissance Inspection on September 28, 2017. The inspection allegedly revealed the following:

1. Mountain View was using a portable pump and hose to discharge process water from the wet well.
2. Mountain View failed to report the above referenced unpermitted discharge to ADEQ.
3. The sludge ponds and drying beds were in need of maintenance.
4. During the inspection, an effluent sample was collected by the ADEQ Office of Water Quality Compliance Branch Manager and was analyzed by the ADEQ laboratory for Total Suspended Solids (“TSS”). Under Part 2.1 of the Permit, the Daily Maximum limit for TSS is 30.0 mg/L. The laboratory analysis indicated the TSS during the discharge was 485.0 mg/L. This exceedance of the Daily Maximum limit for TSS violated Part 2.1 of the Permit and therefore violated Ark. Code Ann. § 8-4-217(a)(3). Additionally, this exceedance of the Daily Maximum limit for TSS demonstrates that Mountain View was not properly operating and maintaining the facilities to achieve compliance with the conditions of the Permit in violation of Part 2.1 of the Permit and therefore in violation of Ark. Code Ann. § 8-4-217(a)(3).
5. Mountain View failed to give notice and provide plans and specifications to the Director for review and approval of two additional sediment basins added in 2016.

ADEQ is stated to have notified Mountain View of the inspection results to which Mountain View responded.

ADEQ was provided copies of Mountain View's analytical results, chain of custody forms, and flow records for the past three years.

A conference call was subsequently held between ADEQ and Mountain View. The agency requested on certain dates a status update on the progress of completion of the action items that are stated to have been generated from a November 8, 2017, conference call. Such action items are stated to be outstanding.

Mountain View is required to, within 30 days of the effective date of the CAO, submit to ADEQ, for review and approval, a comprehensive Corrective Action Plan ("CAP") developed by a Professional Engineer licensed in the state of Arkansas. The CAP shall include, at a minimum a complete evaluation of the treatment system, an evaluation of the daily average waste discharge flow, and a reasonable milestone schedule with a date of final compliance no later than December 31, 2018. Additional information is required, including quarterly status reports.

Further, within 30 days of the effective date of the CAO, Mountain View is required to submit to ADEQ a Sludge Pond Survey with volume calculations. Also, within 60 days of the effective date of the CAO, Mountain View is required to submit to ADEQ their Standard Operating Procedures for sludge handling and monitoring, sampling, and flow wasting procedures.

A civil penalty of \$3,700 is assessed which could be reduced to \$1,150 if signed and returned to ADEQ within 20 days of the receipt of the CAO.

A copy of the [CAO](#) can be downloaded here.