

ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

Saline County Waterworks and Sanitary Sewer PFB
Saline County Waterworks and Sewer WWTP
P.O. Box 390
Alexander, AR 72002

LIS No. 25-023
Permit No. AR0044881
AFIN 63-00062

CONSENT ADMINISTRATIVE ORDER

This Consent Administrative Order ("Order") is issued pursuant to the authority of the Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-101 *et seq.*, the Federal Water Pollution Control Act, 33 U.S.C. § 1311 *et seq.*, and rules issued thereunder by Arkansas Pollution Control and Ecology Commission (APC&EC).

The issues herein having been settled by the agreement of the Saline County Waterworks and Sanitary Sewer Public Facilities Board - Saline County Waterworks and Sewer WWTP (Respondent) and the Division of Environmental Quality (DEQ), it is hereby agreed and stipulated that the following FINDINGS OF FACT and ORDER AND AGREEMENT be entered.

FINDINGS OF FACT

1. Respondent operates a municipal wastewater treatment facility ("facility") located on Brookwood Road, Saline County, Arkansas.
2. Respondent discharges treated wastewater to Crooked Creek, thence to Fourche Creek, thence to the Arkansas River in Segment 3C of the Arkansas River Basin.
3. Respondent is regulated pursuant to the National Pollutant Discharge Elimination System (NPDES).

4. Pursuant to the federal Clean Water Act, 33 U.S.C. § 1311 *et seq.*, the NPDES program prohibits the discharge of pollutants except as in compliance with a permit issued under the NPDES program in accordance with 33 U.S.C. § 1342(a).

5. DEQ is authorized under the Arkansas Water and Air Pollution Control Act (“Act”) to issue NPDES permits in the state of Arkansas and to initiate an enforcement action for any violation of a NPDES permit.

6. Ark. Code Ann. § 8-4-217(a)(3) provides:

(a) It shall be unlawful for any person to:

...

(3) Violate any provisions of this chapter or of any rule or order adopted by the [APC&EC] under this chapter or of a permit issued under this chapter by the [DEQ].

7. Ark. Code Ann. § 8-4-103(c)(1)(A) authorizes DEQ to assess an administrative civil penalty not to exceed ten thousand dollars (\$10,000) per violation for any violation of any provision of the Act and any rule or permit issued pursuant to the Act.

8. Pursuant to Ark. Code Ann. § 8-4-103(c)(1)(B), “[e]ach day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.”

9. DEQ issued NPDES Permit Number AR0044881 (“Permit”) to Respondent on July 20, 2015. The Permit became effective on August 1, 2015, and expired on July 31, 2020. The Permit was administratively continued pursuant to APC&EC Rule 6.201 until DEQ issued the renewal Permit on May 19, 2021, with an effective date of June 1, 2021, and an expiration date of May 31, 2026.

10. On January 7, 2020, DEQ performed a review of the Discharge Monitoring Reports (DMRs) submitted by Respondent in accordance with the Permit.

11. The review revealed that Respondent reported forty-three (43) violations of the permitted effluent discharge limits detailed in Part I.A of the Permit from December 1, 2016 through September 30, 2019.

12. On January 8, 2020, DEQ sent Respondent a letter requesting a Corrective Action Plan (CAP) be submitted to address the effluent violations and identify the actions to be taken to correct and prevent recurrence of the effluent violations. The CAP was to have a milestone schedule, a final date of compliance not to exceed February 28, 2021, and be certified by a Professional Engineer (P.E.) licensed in the state of Arkansas.

13. On January 21, 2020, Respondent submitted a response to the CAP request to DEQ. The response requested that DEQ table the request for a CAP until the treatment plant upgrades were completed.

14. On January 28, 2020, DEQ notified Respondent that the CAP response was deemed inadequate with the following comments:

- a. The causes of the effluent violations were not listed;
- b. The evaluation of the current treatment system for compliance was not submitted;
- c. No corrective actions were submitted;
- d. No milestone schedule for the corrective actions was submitted; and
- e. The CAP was not certified by a P.E. licensed in the state of Arkansas.

DEQ requested a revised CAP be submitted within thirty (30) days of receipt of the letter.

15. On February 28, 2020, Respondent submitted a revised CAP to DEQ with a final compliance date of March 31, 2022.

16. On May 1, 2020, DEQ notified Respondent that the CAP dated February 28, 2020, was conditionally approved for the evaluation of the in-plant operations and the assessment of the

blower and its components including air valves. DEQ also requested the following information be submitted by May 31, 2020:

- a. The number of water connections serviced by Respondent;
- b. The date of installation of the influent flow meter, if applicable, and documentation of last calibration of the flow meter ;
- c. Daily effluent flow records for the past two (2) years;
- d. Anticipated number of new water connections in 2020, 2021, and the next five (5) years;
- e. A contract for the listed wastewater operator;
- f. A list of operators who oversee the daily operations; and
- g. A plan to evaluate the wastewater treatment plant capacity.

In addition, DEQ requested a revised CAP with a milestone schedule be submitted by September 30, 2020.

17. On May 22, 2020, Respondent provided a written response to DEQ with the additional information requested.

18. On September 30, 2020, Respondent submitted a revised CAP with a final compliance date of March 31, 2023.

19. On October 1, 2020, DEQ notified Respondent that DEQ had completed their review of the CAP and had comments and requested the following information:

- a. A date for the conclusion of the plant evaluation;
- b. More information on inflow and infiltration;
- c. A milestone date for the submission of a state construction permit application; and
- d. A more detailed listing on the collection system rehabilitation plan.

In addition, DEQ requested that a revised CAP be submitted within thirty (30) days of receipt of the letter.

20. On October 15, 2020, Respondent submitted a revised CAP with a final compliance date of December 31, 2021, for the ammonia nitrogen violations.

21. On October 30, 2020, DEQ notified Respondent that the revised CAP dated October 15, 2020, was adequate. DEQ also required the following submissions:

- a. Quarterly progress reports be submitted with the first report due January 15, 2021, and continue until the CAP is closed; and
- b. When the CAP is complete, submit a certification of compliance from a P.E. that the facility is in compliance with the Permit.

22. On October 6, 2023, Respondent submitted a progress report with a revised milestone schedule requesting that their final compliance date be extended to March 31, 2024.

23. On April 16, 2024, Respondent and DEQ met to discuss the following:

- a. Respondent has been working to complete its CAP, as revised, to address violations of the permitted effluent discharge limitations since January 2020;
- b. Respondent has been unable to meet compliance with their permitted effluent limitations consistently;
- c. Respondent has appeared on the EPA's Significant Non-Compliance List;
- d. Respondent serves 823 sewer connections, and the discharge from the facility consistently exceeds the facility's design flow of 0.2 million gallons per day (MGD) or 200,000 gallon per day; and

- e. Respondent will submit a revised CAP and milestone schedule developed by a P.E. to upgrade the wastewater treatment plant and consistently meet NPDES permit effluent parameters by May 16, 2024.

24. On May 16, 2024, Respondent submitted a revised CAP to DEQ with a final compliance date of July 1, 2028.

25. On June 19, 2024, DEQ notified Respondent that the revised CAP dated May 16, 2024, was adequate. DEQ also requested that quarterly progress reports be submitted and the first one be submitted by July 15, 2024.

26. On February 13, 2025, DEQ conducted a review of certified DMRs submitted by Respondent in accordance with the Permit.

27. The review revealed that Respondent reported the following violations of the permitted effluent discharge limits detailed in Part I.A of the Permit from May 1, 2021, through December 31, 2024:

- a. Twenty-three (23) violations of Ammonia Nitrogen;
- b. Fourteen (14) violations of Total Suspended Solids; and
- c. Five (5) violations of Fecal Coliform Bacteria.

28. Each of the forty-two (42) discharge limitation violations listed in Paragraph 27 above constitutes a separate permit violation for a total of forty-two (42) separate violations of Ark. Code Ann. § 8-4-217(a)(3).

29. The review of the DMRs revealed that Respondent failed to submit Non-Compliance Reports (NCRs) for effluent violations reported during the following fourteen (14) monitoring periods:

- a. 2021: May, June, July, November, and December;

- b. 2022: January, April, May, and August; and
- c. 2023: March, July, August, September, and October.

Failure to submit an NCR for each effluent violation is a violation of Part III.D.7 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3). DEQ previously requested that Respondent submit the missing NCRs on September 18, 2023, September 25, 2023, and October 24, 2023.

ORDER AND AGREEMENT

WHEREFORE, the parties stipulate and agree as follows:

1. Respondent 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 (ADH). This 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.
2. Within thirty (30) calendar days of the effective date of this Order, Respondent shall submit to DEQ a current list of Respondent's Board Members to include the name, title, address, and telephone number. If the information on that list of Respondent's Board Members changes in the future, Respondent shall provide an updated list to DEQ within thirty (30) calendar days of that change.
3. Respondent shall take flow readings in accordance with Part I.A of the Permit. Beginning with the monitoring period of the effective date of this Order and lasting for a period of two (2)

years thereafter, Respondent shall attach the monthly flow readings for the facility to the corresponding DMRs via NetDMR.

4. Respondent shall comply with the terms, milestone schedule, and final compliance date contained in the revised CAP dated May 16, 2024. The milestone schedule and final compliance date of July 1, 2028, shall be fully enforceable as terms of this Order.

5. Respondent shall continue to submit quarterly progress reports on the same schedule established in the revised CAP approval letter dated June 19, 2024. The progress reports shall detail the progress that has been made towards compliance with the permitted effluent limits set forth in Part I.A of the Permit. Within thirty (30) calendar days of the final compliance date in the approved CAP or by July 1, 2028, whichever occurs first, Respondent shall submit a final compliance report that includes a certification of compliance, signed and stamped by a P.E. licensed in the state of Arkansas.

6. On or before the effective date of this Order, Respondent shall submit a plan for submitting NCRs, signed by the Responsible Official and Cognizant Official, that includes the following information:

- a. An acknowledgement of when NCRs are required; and
- b. Who will be submitting the NCRs.

For any future violations, Respondent shall submit NCRs on the form at <https://www.adeg.state.ar.us/water/enforcement/pdfs/ncr-form.pdf>, completed in accordance with Part III.D.7 of the Permit. Respondent shall submit a copy of such NCRs to the Enforcement Branch of the DEQ Office of Water Quality via email at ee.water.enforcement.report@arkansas.gov.

7. Within sixty (60) calendar days of the effective date of this Order, Respondent shall submit an interim operating plan that describes, in detail, the operational measures that will be undertaken to maximize the removal efficiency of all pollutants covered by this Permit. Respondent shall implement the interim operating plan immediately upon its submittal to DEQ.

8. Within sixty (60) calendar days of the effective date of this Order, Respondent shall submit a staff evaluation and operations plan, prepared and stamped by a P.E. licensed in the state of Arkansas, that includes, at minimum:

- a. Current staffing for the facility by title, licensure, and duties;
- b. Identification of key systems for which onsite operation and monitoring is necessary at all times;
- c. Recommendations for staffing requirements and duties by wastewater licensure level and onsite schedule during 7-day and/or 24-hour operation of the facility;
- d. Identification of current technology emplaced to alert staff remotely of facility failures or operation issues, including detailed analysis of both operable and inoperable systems; and
- e. Operational cost analysis of current, preferred, and optimal staffing requirements.

9. In compromise and full settlement of the violations specified in the Findings of Fact, Respondent agrees to pay a civil penalty of Six Thousand Seven Hundred Fifty Dollars (\$6750.00)¹, or one-half of the full civil penalty of Three Thousand Three Hundred Seventy-five Dollars (\$3375.00)¹ if this Order is signed and returned to the Office of Water Quality Enforcement Branch, DEQ, 5301 Northshore Drive, North Little Rock, Arkansas, 72118-5317, within twenty (20) calendar days of receipt of this Order. Even if the conditions for receiving a reduced penalty

¹Ten percent (10%) of the total penalty will be paid to DEQ as reimbursement for administrative costs associated with the Order.

of Three Thousand Three Hundred Seventy-five Dollars (\$3375.00) have been met, failure to otherwise comply with this Order will result in the penalty reverting to the full civil penalty of Six Thousand Seven Hundred Fifty Dollars (\$6750.00) and shall become due immediately and payable to DEQ. Payment is due within thirty (30) calendar days of the effective date of this Order. Payment of the penalty shall be made payable to the Division of Environmental Quality, and mailed to the attention of:

DEQ, Fiscal Division
5301 Northshore Drive
North Little Rock, AR 72118

In the event that Respondent fails to pay the civil penalty within the prescribed time, DEQ shall be entitled to attorneys' fees and costs of collection.

10. Failure to meet any requirement or deadline of this Order constitutes a violation of this Order. If Respondent should fail to meet any such requirements or deadlines, Respondent consents and agrees to pay on demand to DEQ stipulated penalties according to the following schedule:

- a. First day through the fourteenth day: \$100.00 per day
- b. Fifteenth day through the thirtieth day: \$500.00 per day
- c. Each day beyond the thirtieth day: \$1000.00 per day

These stipulated penalties for delay in performance shall be in addition to any other remedies or sanctions that may be available to DEQ by reason of failure by Respondent to comply with the requirements of this Order.

11. If any event, including but not limited to an act of nature, occurs that causes or may cause a delay in the achievement of compliance by Respondent with the requirements or deadlines of this Order, Respondent shall so notify DEQ, in writing, as soon as reasonably possible after it is apparent that a delay will result, but in no case after the due dates specified in this Order. The notification shall describe in detail the anticipated length of the delay, the precise cause of the

delay, the measures being taken and to be taken to minimize the delay, and the timetable by which those measures will be implemented.

12. DEQ may grant an extension of any provision of this Order if Respondent requests such an extension in writing, and the delay or anticipated delay has or will be caused by circumstances beyond the control of and without the fault of Respondent. The time for performance may be extended for a reasonable period, but in no event longer than the period of delay resulting from such circumstances. Respondent has the burden of proving that any delay is caused by circumstances beyond the control and without the fault of Respondent, as well as the length of the delay attributable to such circumstances. Failure to notify DEQ promptly, as provided in the preceding paragraph of this Section, shall be grounds for a denial of an extension.

13. All requirements by the Order and Agreement are subject to approval by DEQ. Unless otherwise specified herein, in the event of any deficiencies, Respondent shall, within the timeframe specified by DEQ, submit any additional information or changes requested, or take additional actions specified by DEQ to correct any such deficiencies. Failure to respond adequately to such Notice of Deficiency within the timeframe specified in writing by DEQ constitutes a failure to meet the requirements established by this Order.

14. This Order is subject to public review and comment in accordance with Ark. Code Ann. § 8-4-103(d) and APC&EC Rule 8 and shall not be effective until thirty (30) calendar days after public notice is given. DEQ retains the right to rescind this Order based upon the comments received within the thirty (30) calendar day public comment period. Notwithstanding the public notice requirements, the corrective actions necessary to achieve compliance shall be taken immediately. The publication of this Order shall occur on or about the 10th or 25th day of the month following the date this Order is executed. As provided by APC&EC Rule 8, this matter is

subject to being reopened upon Commission initiative, or in the event a petition to set aside this Order is granted by the Commission.

15. Nothing in this Order shall be construed as a waiver by DEQ of its enforcement authority over alleged violations not specifically addressed herein. Also, this Order does not exonerate Respondent from any past, present, or future conduct that is not expressly addressed herein, nor does it relieve Respondent of its responsibilities for obtaining any necessary permits.

16. This Order has been reviewed and approved by the Saline County Waterworks and Sanitary Sewer Public Facilities Board in a duly convened meeting with a quorum present. It is the intention of the Saline County Waterworks and Sanitary Sewer Public Facilities Board to be bound by the terms appearing in the Order. See copy of [meeting minutes or resolution] attached as Exhibit A.

17. The Saline County Waterworks and Sanitary Sewer Public Facilities Board has authorized the General Manager named below to sign this Order on behalf of the Board. See Exhibit A.

SO ORDERED THIS 24 DAY OF march, 2025.

Bailey Taylor
BAILEY M. TAYLOR, DIVISION OF ENVIRONMENTAL QUALITY,
CHIEF ADMINISTRATOR, ENVIRONMENT

APPROVED AS TO FORM AND CONTENT:

Saline County Waterworks and Sanitary Sewer Public Facilities Board

BY: Jammie Reagan
(Signature)

Jammie Reagan
(Typed or printed name)

TITLE: General Manager

DATE: 3-14-2025

Saline County Waterworks & Sanitary Sewer P.F.B. (Woodland Hills)

P.O. Box 390 Alexander, AR 72002

Special Board Meeting

March 10, 2025

Meeting called to order at: 5:00pm

Roll call by voice: Faye McKeon, William "Bill" Reagan, Tim Coots, Tim Baker are all present.

Business:

1. Approve February 17, 2025, Special board meeting minutes. After reviewing the minutes, a motion was made by Tim Coots to accept the minutes and seconded by Tim Baker. A voice vote was held and all voted yes. Motion passed.
2. Approve the newly revised CAO from ADEQ dated February 26, 2025. After a review of the CAO Faye McKeon made the motion to accept the CAO and it was seconded by Tim Coots. A voice vote was held and all voted yes. Motion passed.
3. Interview two people for the open board positions. Chad Davis. An interview was held, and a motion was made by Tim Coots and seconded by Tim Baker to accept Chad Davis for the board in which Jammie will type up the letter for the County Judge to be approved by the Quorum Court. A voice vote was held and all voted yes. Motion passed.
Joaquin Alvarado. An interview was held, and a motion was made by Faye McKeon and seconded by Bill Reagan to accept Joaquin Alvarado for the board in which Jammie will type out letter for the county Judge to be approved by the Quorum Court. A voice vote was held, and all voted yes. Motion passed.

Meeting adjourned: 5:24pm. The motion was made by Tim Baker and seconded by Bill Reagan. Motion passed.

Next special board meeting: March 14, 2025, at 4:00 pm

Jay McKeon Bill Reagan Tim Coots
Faye McKeon Bill Reagan Tim Coots

Tim Baker

Tim Baker

Date Approved: 3-14-2025

Saline County Waterworks & Sanitary Sewer Public Facility Board
P.O. Box 390 Alexander, AR 72002
(501) 847-0562
SPECIAL BOARD MEETING
November 18, 2024
6:00 PM

Meeting called to order at 6:28 PM

Roll call by voice: Andrea Bearden (by phone), Faye McKeon, William "Bill" Reagan, Tim Coots and Tim Baker (by phone) are all present

Meeting Business

• Hiring Manager

After a discussion of the Saline County Waterworks and Sanitary Sewer Public Facility Board I, Faye McKeon make the motion to hire Jammie Reagan as our General Manager and responsible official for the company to include but not limited to day-to-day operations and financial oversight with Board approval. Bill Reagan seconded it. The following voice votes were taken Andrea Bearden- yes, Faye McKeon- yes, Bill Reagan- yes, Tim Coots-yes, and Tim Baker- yes. Motion carried.

• Authorizing signature for Consent of Administration Order to Manager

After a discussion of the Saline County Waterworks and Sanitary Sewer Public Facility Board I, Faye McKeon make the motion to authorize Jammie Reagan, General Manager, as the responsible official to sign the COA order on behalf of the Board. Andrea Bearden seconded, and the following voice votes were recorded. Andrea Bearden- yes, Faye McKeon- yes, Bill Reagan- yes, Tim Coots-yes, and Tim Baker- yes. Motion carried.

Adjourn: Motion made by Andrea Bearden, seconded by Faye McKeon. Motion carried; meeting adjourned at 6:32 PM

X Faye McKeon
Faye McKeon
Chair

X Bill Reagan
Bill Reagan
Vice-Chair

X Andrea Bearden
Andrea Bearden
Secretary/Treasurer

X Tim Coots
Tim Coots

X Tim Baker
Tim Baker

X 11-22-2024
Date Approved

Tim Coots m
Sec