



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270-2102

May 31, 2023

TRANSMITTED VIA EMAIL

Mr. Tommy Lawson
General Manager
City of Stuttgart Municipal Works
1011 West 10th Street
Stuttgart, Arkansas 72160
stuttgartarwater@centurytel.net

Re: **Notice of Potential Violation and Opportunity to Confer**
NPDES Permit: AR0034380

Dear Mr. Lawson:

Information currently available to the U.S. Environmental Protection Agency, Region 6 (EPA) suggests that the City of Stuttgart may have committed a violation of Section 301 of the Clean Water Act (CWA), 33 U.S.C. § 1311 and its applicable NPDES permit. By this letter, EPA is extending to you an opportunity to advise EPA via a conference call or in writing of any further information which EPA should consider with respect to the potential violations.

As an owner/operator of a WWTP, the City of Stuttgart applied for and was issued an NPDES Permit, No. AR0034380 (permit), which allowed discharges of pollutants to waters of the United States from the facility, but only in compliance with the terms of the permit. The permit requires the City of Stuttgart to sample and test its effluent discharges to monitor compliance with permit limits and conditions according to specific procedures, and to determine the facility's compliance with the permit and applicable regulations. The permit also requires the City of Stuttgart to submit to the Arkansas Department of Environmental Quality (ADEQ) on a monthly basis certified Discharge Monitoring Reports (DMRs) documenting monthly monitoring results, and submission of Noncompliance Reports when appropriate. According to the DMRs submitted by the City of Stuttgart, the Whole Effluent Toxicity (WET) tests reported on the 12/31/2020 and 12/31/2021 DMRs incurred an exceedance of Water Quality Standards (WQS) as a failure for one or both of the test species (see attachment). Retests were required but not present in the DMR as specified in Part II.12 of the permit.

EPA is committed to ensuring compliance with the requirements of the CWA, the National Pollutant Discharge Elimination System (NPDES) program. This Notice of Potential Violation and Opportunity to Confer does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. Pursuant to the CWA, EPA can unilaterally seek compliance by imposing regulatory requirements and civil penalties to address violations through administrative actions. However, as a courtesy, EPA is providing you with the opportunity to confer regarding this matter and to provide any further information that we should consider. Within 7 days of the effective date of this letter, please confirm receipt of this e-mail and indicate, via email, if you would like to confer with EPA regarding this matter.

If you have any questions or need additional clarification, please contact Paul Juarez of my staff, at (214) 665-7247 or via email at juarez.paul@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryant Smalley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bryant Smalley
Chief
Water Enforcement Branch

Attachment

ec: Alan York, Associate Director Office of Water Quality
Arkansas Department on Environmental Quality (ADEQ)
alan.york@adeq.state.ar.us

Toxicity DMRs Data for AR0034380 from 01/01/2020 - 1/12/2023

Permit AR0034380

Permit Name	Version Nm	Curr. Major Minor Status	Issue Date	Effective Date	Expiration Date
Stuttgart, City of	0	Major	2/11/2021	3/1/2021	2/28/2026
Stuttgart, City of	4	Major	1/29/2015	2/1/2015	1/31/2020

Version # 0

Outfall TX1Q

22415 Whole effluent toxicity - retest #1 / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Monthly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	NODI=9
9/30/21	100
12/31/21	0
3/31/22	NODI=9
6/30/22	NODI=9
9/30/22	NODI=9
12/31/22	Not Received

22416 Whole effluent toxicity - retest #2 / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Monthly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE

Limit Value	
DMR Values	
3/31/21	100
6/30/21	NODI=9
9/30/21	100
12/31/21	0
3/31/22	NODI=9
6/30/22	NODI=9
9/30/22	NODI=9
12/31/22	Not Received

22418 WET, sublethal retest #1 / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Monthly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	NODI=9
9/30/21	100
12/31/21	0
3/31/22	NODI=9
6/30/22	NODI=9
9/30/22	NODI=9
12/31/22	Not Received

22419 WET, sublethal retest #2 / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Monthly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	NODI=9
9/30/21	100
12/31/21	0
3/31/22	NODI=9
6/30/22	NODI=9
9/30/22	NODI=9

12/31/22	Not Received
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51443 Whole Effluent Toxicity - Retest #3 / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Monthly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	NODI=9
9/30/21	100
12/31/21	0
3/31/22	NODI=9
6/30/22	NODI=9
9/30/22	NODI=9
12/31/22	Not Received

51444 Whole Effluent Toxicity, Sub-Lethal Retest #3 / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Monthly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	NODI=9
9/30/21	100
12/31/21	0
3/31/22	NODI=9
6/30/22	NODI=9
9/30/22	NODI=9
12/31/22	Not Received

TGP3B Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1

Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	0
6/30/21	0
9/30/21	0
12/31/21	0
3/31/22	0
6/30/22	0
9/30/22	0
12/31/22	Not Received

TGP6C Pass/Fail Statre 7Day Chronic Pimephales Promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	0
6/30/21	0
9/30/21	1
12/31/21	0
3/31/22	0
6/30/22	0
9/30/22	0
12/31/22	Not Received

TLP3B Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	0
6/30/21	0
9/30/21	0
12/31/21	0
3/31/22	0
6/30/22	0

9/30/22	0
12/31/22	Not Received

TLP6C Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	0
6/30/21	0
9/30/21	0
12/31/21	0
3/31/22	0
6/30/22	0
9/30/22	0
12/31/22	Not Received

TOP3B NOEC Lethal Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	100
9/30/21	100
12/31/21	100
3/31/22	100
6/30/22	100
9/30/22	100
12/31/22	Not Received

TOP6C NOEC Lethal Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	

Limit Unit Desc	Percent
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	100
9/30/21	100
12/31/21	100
3/31/22	100
6/30/22	100
9/30/22	100
12/31/22	Not Received

TPP3B NOEC Sub-Lethal Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	100
9/30/21	100
12/31/21	100
3/31/22	100
6/30/22	100
9/30/22	100
12/31/22	Not Received

TPP6C NOEC Sub-Lethal Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
3/1/2021	2/28/2026	Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	VALUE
Limit Value	
DMR Values	
3/31/21	100
6/30/21	100
9/30/21	42
12/31/21	100
3/31/22	100

6/30/22	100
9/30/22	100
12/31/22	Not Received

Outfall TX1Q

TGP3B Pass/Fail Static Renewal 7 Day Chronic Ceriodaphnia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	0
6/30/20	0
9/30/20	0
12/31/20	0

TGP6C Pass/Fail Statre 7Day Chronic Pimephales Promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	0
6/30/20	0
9/30/20	0
12/31/20	1

TLP3B Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	7 DA AVG
Limit Value	

DMR Values	
3/31/20	0
6/30/20	0
9/30/20	0
12/31/20	0

TLP6C Low Flow Pass/Fail Survival Test Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Pass=0; Fail=1
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	0
6/30/20	0
9/30/20	0
12/31/20	0

TOP3B NOEC Lethal Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	100
6/30/20	100
9/30/20	100
12/31/20	100

TOP6C NOEC Lethal Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	100

6/30/20	100
9/30/20	100
12/31/20	100

TPP3B NOEC Sub-Lethal Static Renewal 7 Day Chronic Ceriodaphnia dubia / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	100
6/30/20	100
9/30/20	100
12/31/20	100

TPP6C NOEC Sub-Lethal Static Renewal 7 Day Chronic Pimephales promelas / Location 1 / Season 0 / Base

Limit Start Date	Limit End Date	Sample Type	Frequency of Analysis
2/1/2015	1/31/2020	24 Hour Composite	Quarterly

Limit	
Limit Unit Desc	Percent
Statistical Base	7 DA AVG
Limit Value	
DMR Values	
3/31/20	100
6/30/20	100
9/30/20	100
12/31/20	32