

ADEQ

ARKANSAS
Department of Environmental Quality

January 7, 2010

Duane Allen, Director of Public Works
City of Eureka Springs
3174 E. Van Buren
Eureka Springs , AR 72632

RE: AFIN: 08-00036 NPDES Permit No.: AR0021865

Dear Mr. Allen:

On December 31, 2009, I performed a reconnaissance inspection of the waste water treatment facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. This inspection revealed the following violations:

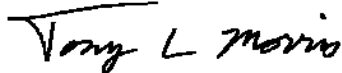
1. The plant was violating Part 1 Section A of the facility Permit. The effluent limitations and monitoring requirements of the permit were being violated by discharging effluent to Leatherwood Creek with distinctly visible solids, floating grease and sludge banks.
2. Part II Section C.6 requires the permittee to report any noncompliance which may endanger health or the environment. An oral report to the Director is required within 24 hours and a written report is required within 5 days of the time the permittee becomes aware of the circumstances. No report of noncompliance was received by the Department.

The above items require your immediate attention. You must submit a written response to the findings to the Attention of Cindy Garner, Water Division Enforcement Branch Manager of ADEQ.

This response must contain detailed documentation describing the course of action taken to correct the violations noted. This corrective action should be completed as soon as possible, and the written response is due by January 18, 2010. For additional information you may contact the enforcement section by telephone at 501-682-0639 or by fax at 501-682-0910.

If you have any questions concerning this correspondence you may contact me at 870-446-2770 or by e-mail at morris@adeq.state.ar.us.

Sincerely,



Tony L. Morris
District 2 Field Inspector
ADEQ Water Division

cc: Water Division Permits Branch
 Water Division Enforcement Branch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

NPDES Compliance Inspection Report

Form Approved
OMB No. 2040-0003

Section A: National Data System Coding

Transaction Code	NPDES	Yr/Mo/Day	Inspec. Type	Inspector	Fac. Type												
1 N 2 5 3 A R 0 0 2 1 8 6 5 11 12 0 9 1 2 3 1 17 18 R 19 S 20 1	Remarks																
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:20%;">Inspection Work Days</td> <td style="width:20%;">Facility Evaluation Rating</td> <td style="width:10%;">BI</td> <td style="width:10%;">QA</td> <td style="width:20%;">Reserved</td> <td style="width:10%;"></td> </tr> <tr> <td>67 0 8 - 0 0 0 3 6 69</td> <td>70 2</td> <td>71 N</td> <td>72 N</td> <td>73 74 75 </td> <td>80 </td> </tr> </table>						Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved		67 0 8 - 0 0 0 3 6 69	70 2	71 N	72 N	73 74 75 	80
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved													
67 0 8 - 0 0 0 3 6 69	70 2	71 N	72 N	73 74 75 	80 												

Section B: Facility Data

Name and Location of Facility Inspected (<i>For industrial users discharging to POTW, also include POTW name and NPDES permit number</i>) The City of Eureka Springs POTW is located at 100 Hwy 23 north of town in Carroll County.	Entry Time/Date 11:20 December 31, 2009	Permit Effective Date December 1, 2007
	Exit Time/Date 12:15 December 31, 2009	Permit Expiration Date November 30, 2012
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Mike Wegrzyn, Plant Operator 479-253-7410	Other Facility Data N 36.4196 W 93.7346	
Name, Address of Responsible Official/Title/Phone and Fax Number Duane Allen, Director of Public Works City of Eureka Springs 3174 E. Van Buren Eureka Springs, AR 72632 Phone: 479-253-9600	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

S	Permit	U	Flow Measurement	U	Operations & Maintenance	N	Sampling
N	Records/Reports	U	Self-Monitoring Program	U	Sludge Handling/Disposal	N	Pollution Prevention
U	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
U	Effluent/Receiving Waters	N	Laboratory	N	Storm Water	N	Other: Discharge Limits

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- Leatherwood Creek was visited due to citizen complaints concerning discolored and foamy water. The complaint was found to be valid. Conspicuous banks, of distinctly gray colored activated sludge was observed in eddies within the creek down stream of the POTW.
- Upon entering the treatment plant site, a large volume of spilled sludge was observed flowing to the creek. The discharge of sludge has been occurring for some time and the noncompliance has not been reported or addressed.
- The flow totalizer was found to be turned off. Plant discharges were not being recorded.
- One bank of UV Sterilizer lights were noted to be turned off.
- A large volume of dewatered sludge was observed to be stored in the filter press building. The material had been stored long enough for seeds within the sludge to sprout.

Name(s) and Signature(s) of Inspector(s) Tony L. Morris	Agency/Office/Telephone/Fax AR Dept. of Environmental Quality- Jasper Field Office 870-446-2770 (Phone)/870-446-2181 (Fax)	Date January 4, 2010
Signature of Reviewer	Agency/Office/Phone and Fax Numbers	Date

Water Division NPDES Photographic Evidence Sheet

Location: Eureka Springs POTW, Carroll County

Photographer: Tony Morris **Witness:** None

Photo # 1 **Of** 8 **Date:** 12/31/09 **Time:** 11:42

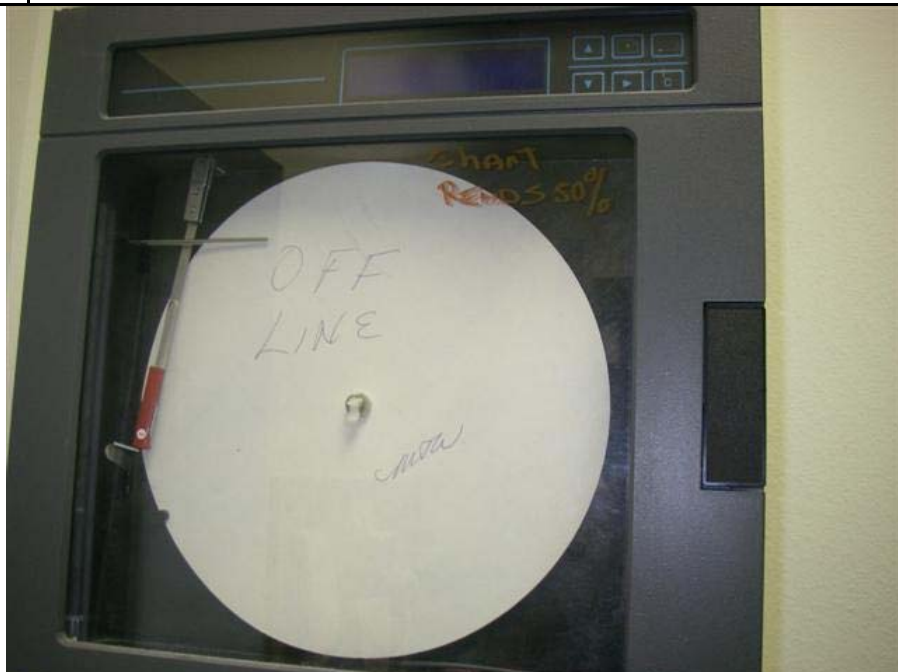
Description: The plant headworks filled with grit and non functioning at the time of the inspection.



Photographer: Tony Morris **Witness:** None

Photo # 2 **Of** 8 **Date:** 12/31/09 **Time:** 11:30

Description: The effluent flow totalizer turned off.



Location:		Eureka Springs POTW, Carroll County						
Photographer:		Tony Morris			Witness:		None	
Photo #	3	Of	8	Date:		12/31/09	Time:	11:50
Description:		Spilled sludge flowing to Leatherwood Creek beyond the fence.						



Photographer:		Tony Morris			Witness:		None	
Photo #	4	Of	8	Date:		12/31/09	Time:	11:33
Description:		A pile of dewatered sludge which has been stored long enough for seeds to sprout.						



Water Division NPDES Photographic Evidence Sheet

Location: Eureka Springs POTW, Carroll County

Photographer: Tony Morris **Witness:** None

Photo # 5 **Of** 8 **Date:** 12/31/09 **Time:** 11:46

Description: Dewatered sludge spilling out of the door in the filter press building.



Photographer: Tony Morris **Witness:** None

Photo # 6 **Of** 8 **Date:** 12/31/09 **Time:** 11:34

Description: Sludge recently spilled in the plant area.



Location:		Eureka Springs POTW, Carroll County						
Photographer:		Tony Morris			Witness:		None	
Photo #	7	Of	8	Date:		12/31/09	Time:	11:13
Description:		Gray colored sludge in eddy of Leatherwood Creek approx. 1/2 mile down stream of plant.						



Photographer:		Tony Morris			Witness:		None	
Photo #	8	Of	8	Date:		12/31/09	Time:	11:15
Description:		Sludge in Leatherwood Creek approximately one mile (north) down stream of the POTW.						



City of Eureka Springs

Public Works Department
3174 East Van Buren Street
Eureka Springs, Arkansas 72632

Office of the Director, Dwayne Allen
Phone: 479-253-9600
Fax: 479-253-6974
E-mail: dallen@eurekasprings.org

January 14, 2010

Mr. Gene Little
ADEQ Water Division
5301 Northshore Drive
North Little Rock, AR 72118-5317

Re: Plant Inspection

Mr. Little:


The Eureka Springs Wastewater Plant has exceeded its TSS, total suspended solids limits as required by NPDES permit number AR0021865. I have terminated the Plant Supervisor, Mike Wegrzyn. Tony Morris District Two Field Inspector alerted me that he had found major problems at the plant. I asked him if he would walk through with me as I could not believe we were to this point. I had observed the effluent around Thanksgiving and it was fine. Mr. Morris on his last inspection had noted that the operation of the plant had greatly improved and that we were producing a very good quality effluent. December's lab results were normal as well.

What I saw on my arrival changed my mind immediately. I had not been notified that solids lay on the press floor and he had dumped sludge on the ground from the tank he was working on. However the amount of sediment in the receiving stream was even greater than those amounts. We began a clean-up and started getting equipment repaired and on line. The operators came to me, as they were the ones who had altered ADEQ with evidence that their supervisor had knowingly and perhaps intentionally discharged bios-solids and had shut down our effluent measurements, in an attempt to conceal his actions. If they had informed me, as their job requires we could of had stopped this sooner. They feared they would loss their job, but ultimately did the right thing.

Now lines are frozen and several broken but sludge had been decanted before the cold weather. I accept responsibility for not being on site and for placing too much trust in my supervisor. We are walking Leatherwood, looking for any solids and are using environmental friendly enzymes to help consume solids in the water. I am bringing in engineers and have consulted an environmental firm to see if they could help with the clean-up. I just hope this will not destroy the progress and the trust we were building with the community and your department.

Please call me at 479-253-9600 if you have any questions.

Sincerely,


Dwayne Allen,
Public Works Director

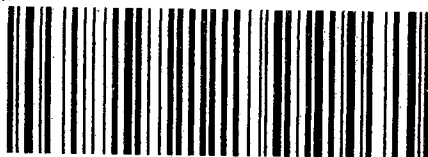


**CITY OF
EUREKA SPRINGS**
PUBLIC WORKS
3174 E. Van Buren
Eureka Springs, AR 72632

7009 1410 0000 4116 1319

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

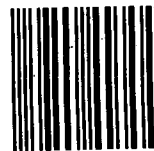
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72118

U.S. POSTAGE
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00042033-01

Mr. Gene Little
ADEQ Water Division
5301 Northshore Drive
North Little Rock, AR 72118-5317

72118+5317



ADEQ

ARKANSAS
Department of Environmental Quality

February 18, 2010

Mr. Dwayne Allen, Public Works Director
City of Eureka Springs
3174 East Van Buren Street
Eureka Springs, AR 72632

RE: NPDES Compliance Inspection

AFIN: 08-00036

NPDES Permit No.: AR0021865

Dear Mr. Allen:

The Department has received your response dated January 14, 2010 to the December 31, 2009 compliance inspection of the Eureka Springs Wastewater Plant by District Field Inspector Tony Morris. Your letter appears to adequately address the discrepancies identified during the inspection.

The Department assumes the corrective action taken will be maintained to ensure consistent compliance with the requirements of the permit. Acceptance of this response by the Department does not preclude any future enforcement action deemed necessary at this site or any other site.

The Department will keep the inspection and response on file. If future violations occur that require enforcement action, the Department will consider the inspection and response as required by the Pollution Control and Ecology Commission Regulation No. 7, Civil Penalties. This regulation requires the Department to consider the past history of your facility and how expeditiously the violations were addressed in determining any civil penalty that may be necessary for any future violations.

If we need further information concerning this matter, we will contact you. Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-682-0667 or you may e-mail me at bevill@adeq.state.ar.us.

Sincerely,



Tracy Bevill
Enforcement Analyst
Water Division Enforcement Branch