



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6**

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

March 23, 2023

TRANSMITTED VIA EMAIL

The Honorable Tim McKinney
Mayor, City of Berryville
1000 West Cedarvale Road
Berryville, Arkansas 72616
dwayne@berryville.gov

Re: **Notice of Potential Violation and Opportunity to Confer**
City of Berryville Wastewater Treatment Plant (WWTP)
NPDES Permit: AR0021792

Dear Mayor McKinney:

Information currently available to the U.S. Environmental Protection Agency, Region 6 (EPA) suggests that the City of Berryville Wastewater Treatment Plant (WWTP) may have committed violations 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 Berryville applied for and was issued an NPDES Permit, No. AR0021792 (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 Berryville WWTP 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 Berryville WWTP to submit to 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 Berryville WWTP, the Whole Effluent Toxicity (WET) test reported on the DMRs, a No Observed Effect Concentration (NOEC) of 75% occurred on 12/31/2020, a NOEC of <32% occurred on 3/31/2021, and a NOEC of 75% occurred on 6/30/2021 which is in violation of the permit WET limit as specified in Part II.10. (See attachment).

The EPA is committed to ensuring compliance with the requirements of the CWA, the National Pollutant Discharge Elimination System (NPDES) program. 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.

Berryville WWTP
Page 2

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 blue ink that reads "Bryant Smalley". The signature is fluid and cursive, with the first name being more prominent.

Bryant Smalley
Chief
Water Enforcement Branch

Attachment

ec: Dwayne Allen, Public Works Director
dwayne@berryvillear.gov