



**DIVISION OF
ENVIRONMENTAL QUALITY**

Sarah Huckabee Sanders
GOVERNOR

Shane E. Khoury
SECRETARY

October 11, 2023

Honorable Robert "Butch" Berry
City of Eureka Springs
3174 East Van Buren
Eureka Springs, AR 72632

Email: mayor@eurekaspringsar.gov

**RE: NPDES Permit Number: AR0021865, AFIN: 08-00036
Request for Interim Measures, Bacteria Sampling, Communication Plan and
Corrective Action Plan**

Dear Mayor Berry,

On September 6, 2023, the Division of Environmental Quality, Office of Water Quality (DEQ) received a complaint of a strong smell of raw sewage emanating from Leatherwood Creek and the City of Eureka Springs discharging brown colored wastewater from their outfall. Since the September 6, 2023 complaint, the City of Eureka Spring has reported the following upset and Sanitary Sewer Overflows (SSOs):

September 12, 2023, WWTP at Highway 22 N. The City reported solids in our mixed liquor washed out of the treatment plant and into our receiving stream. A broken motive pump on SBR#1. It is unknown how long the pump repairs will take, but the repairs will be expedited. Because of effluent flows into an aeration basin prior to being discharged, it sometimes takes 2 or 3 days for any mixed liquor suspended solid to be washed out of our system, thus resulting in an undesired discharge to the receiving stream for several discharge/decant events. The amount of discharge to Leatherwood Creek in unknown.

September 13, 2023, WWTP at 100 Highway 23N. Lower motor for SBR1 has a breaker that has failed. Breakers are no longer manufactured and we have contacted the manufacturer and they will make us a replacement.

September 14, 2023, WWTP at 100 Highway 23N. As the result of what appears to be the failure of a pressure transducer that helps regulate the water level of the wastewater being treated in one of our Sequential Batch Reactor (SBR) basins rose to a level causing an overflow. Estimated volume of 50,000 gallons discharged into Leatherwood Creek.

September 15, 2023, WWTP at 100 Highway 23 N. Sequential Batch Reactor Basin 2 overflowed. Plant manager was called in and monitored SBR2 throughout the night. Cause appears to be electrical interference with SCADA. Estimated overflow of 50,000 gallons discharge into Leatherwood Creek.

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September 16, 2023, WWTP at 100 Highway 23 N. As a result of unknown activities or actions the end of the discharge line that pumps the supernatant from the clarifier used to store waste sludge was dislodged from the lift station that it usually pumps into a well sludge wasting. Estimated volume 50,000 gallons on ground.

September 17, 2023, WWTP at 100 Highway 23 N. As what appears to be result of a pressure transducer not properly communicating with the PLC and computer that contains the operating program for the WWTP, the water level in one of our Sequential Batch Reactor (SBR). Estimated volume of 40,000 gallons into Leatherwood Creek.

September 20, 2023, WWTP at 100 Highway 23 N, the City had some of the solids in our mixed liquor get washed out of one of our Sequential Batch Reactor (SBR) basins and into our receiving stream. Estimated volume 260,000 gallons discharged into Leatherwood Creek.

September 20, 2023, WWTP at 100 Highway 23 N. The main lift station overflowed flowing into the receiving stream. In addition, due to high influent flows, the City diverted the influent around the Lakeside equipment and the main lift station to avoid future overflow events at the lift station. Estimated volume of 30,000 gallons discharge into Leatherwood Creek.

The untreated or partially treated wastewater from these SSOs discharged into Leatherwood Creek. These SSOs are unpermitted discharges and a violation of the City of Eureka Springs NPDES Permit AR0021885; a violation of the Federal Clean Water Act, 33 U.S.C. §1311(a) *et seq.*; Arkansas Water and Air Pollution Control Act, Ark. Code Ann. § 8-4-201 *et seq.*, including, but not limited to, Ark. Code Ann. §§ 8-4-217(a)(2), (3) and (b); and Arkansas Pollution Control and Ecology Commission Rule 6.

Untreated wastewater contains high levels of Fecal Coliform Bacteria and *E. coli*. Because of the on-going upset conditions, unpermitted discharges, and the close proximity to waters of the state, DEQ requires the City of Eureka Springs take the following immediate actions:

1. Continue all actions to stop the unpermitted discharge from the wastewater treatment plant. Continue to timely report the SSOs and unpermitted discharges.
2. Submit emails twice a week to provide updates to SSOADEQ@adeq.state.ar.us on the City's progress towards stopping the unpermitted discharges and impacts to the water quality in Leatherwood Creek in Eureka Springs. Once the unpermitted discharge has ceased, provide an email notification to SSOADEQ@adeq.state.ar.us with photographs confirming the unpermitted discharge has stopped.
3. Immediately sample Leatherwood Creek at the locations listed below, with additional sampling following each SSO or unpermitted discharge from the WWTP with subsequent

samples collected every three (3) calendar days, at minimum, for *E. coli*. Copies of the analytical results and chain-of-custody forms shall be emailed to the DEQ Office of Water Quality, Enforcement Branch within two (2) calendar days of sample collection:

- a) The confluence from the WWTP outfall into Leatherwood Creek;
 - b) Leatherwood Creek at the crossing near 835 Highway 23 North;
 - c) Leatherwood Creek at the powerline crossing approximately 1/2 from the WWTP;
 - d) Leatherwood Creek at the crossing of Highway 23 North;
 - e) Leatherwood Creek upstream from the WWTP.
4. Continue to monitor and sample every three (3) calendar days until there are two (2) consecutive samples that are below the water quality criteria for *E. coli* of 126 cfu/100mL. Copies of the analytical results and chain-of-custody forms shall be emailed to DEQ Office of Water Quality, Enforcement Branch within two (2) calendar days of sample collection.¹ The City of Eureka Springs shall also notate the coordinates of the sample locations on the chain-of-custody forms.
5. The City of Eureka Springs shall, by close of business on **Friday, October 13, 2023**, submit a Communication Plan to:
- (a) Notify the public immediately of the water quality issues in Leatherwood Creek. Specifically, the notification shall be communicated to residents in the areas adjacent to Leatherwood Creek downstream of the WWTP. The City of Eureka Springs shall develop a notification system and post signage to the impacted areas. As needed, the City of Eureka Springs may engage with the Arkansas Department of Health to obtain guidance regarding the information to include on signage to address public health concerns.
 - (b) Provide regularly scheduled updates regarding improvements or decreases in water quality in Leatherwood Creek to the public.
6. By close of business on **Friday, October 20, 2023**, submit an Interim Measures Plan, certified by a Professional Engineer licensed in the state of Arkansas that evaluates the City of Eureka Springs' current operations to determine the cause of the recurring SSOs/unpermitted discharges and make necessary operational changes to prevent further SSOs/unpermitted discharges within the WWTP or provide a Corrective Action Plan (CAP) and milestone schedule for any measures that exceed operational changes including, but not limited to, treatment plant modification or increase in plant treatment capacity, necessary to address and prevent the SSOs/unpermitted discharges.

¹ Analyses must be performed in accordance with 40 C.F.R. Part 136.

Please provide a response to this office no later than **5:00 p.m., October 13, 2023**. Should you have any questions concerning this matter, please do not hesitate to contact Richard Healey at 501-682-0640 or at Richard.Healey@adeq.state.ar.us.

Sincerely,



Stacie Wassell, Associate Director, OWQ, DEQ
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Simon Wiley, Public Works Manager, City of Eureka Springs,
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Richard Healey, Enforcement Branch Manager, Office of Water Quality, DEQ