

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY**

To: Sarah White, Paralegal
From: Basil V. Hicks, III, Attorney
Date: April 13, 2023
Subject: PUBLIC NOTICE--EMERGENCY ORDER

Enclosed is an Emergency Order of the Director for public notice, titled:

IN THE MATTER OF: **LIS 23-028**

**Severe Weather Event of March 31,2023
City of Wynne Wastewater Treatment Facility
545 Bowden Road
Wynne, AR 72396**

Enclosure

cc: Shane Khoury, Secretary, Department of Energy & Environment
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**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT
DIVISION OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

**LIS: 23- 028
AFIN: 19-00071
Permit No.: AR0021903**

**Severe Weather Event of March 31, 2023
City of Wynne Wastewater Treatment Facility
545 Bowden Road
Wynne, AR 72396**

DATE: April 13, 2023

EMERGENCY ORDER OF THE DIRECTOR

**TO: Honorable Jennifer Hobbs
City of Wynne
121 East Merriman Avenue
Wynne, AR 72396**

The Director of the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ) has determined that emergency conditions exist as a result of the severe weather event of March 31, 2023, and the direct impacts to the City of Wynne Wastewater Treatment Facility located at 545 Bowden Road, Wynne, Cross County, Arkansas 72396 (Facility).

Treatment of wastewater is critical for the protection of public health and the environment, and an emergency order (EO) of the Director is necessary to prevent the discharge of untreated wastewater and to allow emergency treatment of wastewater and facilitate debris removal and clean-up at the Facility.

Therefore, pursuant to authority provided by Ark. Code Ann. §§ 8-1-202(b)(3) and 8-4-220, the Arkansas Water and Air Pollution Control Act as set forth in Ark. Code Ann. § 8-4-101 *et seq.* and the rules promulgated thereunder; the Director makes the following Findings of Fact and orders the following actions to be taken during the current emergency conditions.

FINDINGS OF FACT

1. NPDES Permit Number AR0021903 (Permit) was issued to the City of Wynne (Permittee) on July 17, 2018, pursuant to the authority granted to DEQ by Ark. Code Ann. § 8-4-203. The Permit became effective on August 1, 2018, and expires on July 31, 2023.

2. The Facility discharges to an unnamed tributary, thence to William Creek, thence to Caney Creek, thence to the L'Anguille River, thence to the St. Francis River in Segment 5B of the St. Francis River Basin.
3. On March 31, 2023, a severe weather event occurred in Arkansas that produced a tornado rated as EF3. The tornado caused devastating damage across the state, with particular damage to the Permittee's Facility.
4. On March 31, 2023, the Governor of Arkansas issued a Proclamation to Declare a State of Emergency in Arkansas.
5. On April 1, 2023, DEQ learned of major damage to Permittee's Facility from the tornado. Due to the catastrophic damage sustained at the Facility and lack of electricity at the Facility, the Facility is not capable of treating incoming wastewater.
6. On April 1, 2023, DEQ authorized the use of the equalization pond for emergency storage of untreated wastewater.
7. On April 2, 2023, the President of the United States made a declaration of major disaster in Arkansas as a result of the March 31, 2023 storm impacts.
8. On April 3, 2023, DEQ visited the Facility and obtained the following information:
 - a. The collection system line to the Facility was plugged to divert all flow to the equalization basin.
 - b. The equalization basin has an approximate capacity of twelve million gallons (12 MG), with six million gallons (6 MG) of that capacity available for storage of untreated wastewater.
 - c. A lagoon adjacent to the equalization basin is available for additional emergency storage and/or treatment, and currently has approximately three (3) feet of storm water in the lagoon.
9. On April 3, 2023, DEQ requested that Permittee provide updates daily or every other day regarding the Facility including, but not limited to, clean-up activities at the Facility, volume of wastewater transported to another facility, name of the facility receiving any transported wastewater, and any other actions occurring at the Facility.
10. On April 4, 2023, DEQ, Permittee, and state and federal emergency management departments met to discuss the current status of the Facility and the next steps. During the meeting, the following information was shared:
 - a. Permittee provided an update of the status of the Facility.
 - b. At that time, Permittee was transporting wastewater to a DEQ-permitted facility each day at a cost of approximately \$30,000 per day. The long-term transport of wastewater to another DEQ-permitted facility is likely logistically and economically unsustainable for the Permittee.
 - c. DEQ proposed interim emergency treatment options for the City's wastewater.

- d. Arkansas Department of Emergency Management will coordinate with the Permittee to schedule an on-site visit of the Facility.
11. On April 4, 2023, based upon the information discussed in the meeting between state and federal emergency management departments, DEQ verbally authorized Permittee to discharge accumulated storm water from the lagoon adjacent to the Permittee's equalization basin in order to provide additional emergency storage and/or treatment of wastewater.
12. Based on the facts and nature of this situation, the Director has determined that an emergency exists and issues this EO for necessary actions as allowed in accordance with Ark. Code Ann. §§ 8-1-202(b)(3) and 8-4-220 and Arkansas Pollution Control and Ecology Commission Rule 8.502.

ORDER OF THE DIRECTOR

The Director, on April 13, 2023, orders the following actions be taken:

1. Endorsing the previously verbally-authorized action, Permittee is authorized to discharge the existing storm water from the lagoon adjacent to the equalization basin to the unnamed tributary to William Creek.
2. Due to the current emergency conditions in the City of Wynne and at the Facility, Permittee is authorized to treat the City's wastewater including, but not strictly limited to, the manner prescribed below. Deviations from the authorized activities and requirements set forth below shall be conducted in consultation with DEQ.
 - a. Influent flow of untreated wastewater shall be directed to the equalization basin where settling of solids can occur.
 - b. From the equalization basin, wastewater flow may then be directed to the adjacent lagoon where reasonable efforts shall be made to aerate the wastewater to achieve a goal dissolved oxygen content of 6 mg/L.
 - c. If conditions require, the adjacent lagoon may be used as additional emergency storage of wastewater.
 - d. Reasonable efforts shall be made to achieve disinfection of the wastewater prior to discharge.
 - e. Treated wastewater from the lagoon shall be discharged to the unnamed tributary to William Creek.
 - f. Permittee shall make all reasonable efforts to measure the flow volume of the discharge from the lagoon.
 - g. Permittee shall monitor the discharge once per week by grab sample for the following effluent characteristics:
 - (1) Carbonaceous Biochemical Oxygen Demand;
 - (2) Total Suspended Solids;
 - (3) Ammonia Nitrogen;
 - (4) Dissolved Oxygen;

- (5) Fecal Coliform Bacteria;
 - (6) pH; and
 - (7) Temperature.
- h. Permittee shall report monthly to DEQ with the status of the emergency treatment. The reports shall include, but not be limited to, the volume of flow discharged, monitoring results and chain of custody for samples, any issues encountered, and any anticipated issues.
- i. Given the circumstances and availability of additional treatment components, additions or changes to the above proposed treatment shall be conducted in consultation with DEQ, however, this consultation shall not limit Permittee's ability to make emergency decisions, up to and including emergency bypass of treatment, in order to protect human life or the integrity of the system.
3. Beginning with the Discharge Monitoring Report (DMR) for the monitoring period of April 2023, and continuing until this EO expires or until otherwise directed by DEQ, Permittee shall report No Data Indicator (NODI) Code T, NODI T = Environmental Conditions: Monitoring Not Possible, on the DMRs. The Permittee shall submit the DMRs in accordance with Part III, Section C, Condition 5 of the Permit.
4. All conditions contained in the Permit not expressly addressed in this EO shall remain in full force and effect, and Permittee shall comply with all conditions in the Permit not expressly modified by this EO.

Questions or concerns may be directed to DEQ by calling (501) 682-0620.

This Order is effective immediately upon the signature of the Director and shall remain in effect for one (1) year. This Order may be amended, supplemented, or revoked by the Director.

DATED THIS 13th DAY of APRIL, 2023



Caleb J. Osborne, DEQ Director