



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733**

AUG 29 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7015 1520 0003 3991 3832

The Honorable James Sanders
Mayor, City of Blytheville
124 W. Walnut Street
Blytheville, AR 72315

Re: Administrative Order; Docket Number: CWA-06-2018-1813
NPDES Facility Number: AR0022560
Wastewater Treatment Plant

Dear Mayor Sanders:

Enclosed is an Administrative Order (AO) issued to the City of Blytheville for violations of the Clean Water Act (CWA) (33 U.S.C. § 1251 *et seq.*). Violations were identified during a November 30, 2017 inspection of your Wastewater Treatment Plant laboratory located in Blytheville, Arkansas. The inspection was conducted by an Environmental Protection Agency, Region 6 (EPA) inspector. The violations are for failure to properly maintain and calibrate instrumentation, failure to follow appropriate EPA methods of testing, and failure to maintain monitoring records to satisfy the permit requirements.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty days of receipt of this AO. The AO also contains other compliance deadlines and specified information. EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2018-1813 and NPDES Permit Number AR0022560 on your response.

If you have any questions, please contact Ms. Magdeleine Dallemagne, of my staff, at (214) 665-7396.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl T. Seager", with a long, sweeping underline.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order
City of Blytheville

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cc: Mr. Thomas Jones
Pretreatment Coordinator
City of Blytheville
P.O. Box 1784
Blytheville, AR 72315

ec: Mr. Caleb Osborne
Associate Director
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200, Dallas, TX 75202
FINDINGS OF VIOLATION and COMPLIANCE ORDER
Docket Number: CWA-06-2018-1813; NPDES Permit Number: AR0022560

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(a). The Administrator of EPA delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. City of Blytheville ("Respondent"), a municipality chartered under the laws of the State of Arkansas, is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to this Order ("all relevant times"), Respondent owned or operated the City of Blytheville West Treatment Facility, located at 4952 N.C.R. 635, Blytheville, Arkansas 72315 ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. Respondent's mailing address is P.O. Box 1784, Blytheville, Arkansas 72316.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants" with its wastewater to the receiving waters of Ditch No. 27, thence to the Left-Hand Chute of the Little River, thence to the St. Francis River in Segment 5C of the St. Francis River Basin, which are considered "waters of the United States," within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of discharges of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.

6. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. Any such discharge is subject to the specific terms and conditions prescribed in the applicable permit. Respondent applied for and was issued NPDES Permit Number AR0022560 ("permit") under Section 402 of the Act, 33 U.S.C. § 1342, which became effective on November 1, 2016.

7. At all relevant times, Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the permit.

8. On November 30, 2017, the facility's laboratory, instrumentation and documentation were inspected by an EPA inspector. As a result, the findings specified in the following paragraphs were made:

9. Pursuant to Part III.B.1.A. of the permit, Respondent shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by Respondent to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures.

10. Part III.B.1.A. of the permit was violated in that Respondent was not maintaining and performing adequate quality controls on the calibration equipment and reagents.

11. Pursuant to Part III.C.3. of the permit, Respondent shall conduct monitoring procedures according to test procedures approved under 40 C.F.R. Part 136, and shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to ensure accuracy of measurements and shall insure that both calibration and maintenance activities will be conducted.

12. Part III.C.3. of the permit was violated in that Respondent was incorrectly performing the testing procedure for Total Suspended Solids, as demonstrated by both observations made in the laboratory as well as reviews performed of the Standard Operating Procedures ("SOPs").

13. Pursuant to Parts III.C.7. and III.C.8. of the permit, Respondent shall maintain records and monitoring information that shall include the analytical techniques or methods used.

14. Part III.C.8. of the permit was violated in that Respondent did not have the appropriate EPA methods referenced on either the SOPs or on the records of monitoring.

15. Each violation of the conditions of the permit or regulations described above is a violation of Section 301 of the Act, 33 U.S.C. § 1311.

SECTION 309(a)(3) COMPLIANCE ORDER

Based on the foregoing findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following action upon receipt of this Order:

The effective date of this Order is the date it is received by Respondent.

A. Within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA, Region 6 that the violations cited herein have been corrected and the facility is in compliance with the requirements of the permit.

8/29/2018
Date

B. In the event that compliance cannot be achieved immediately, Respondent shall submit a report to EPA within thirty (30) days citing specific actions taken to address the violations cited herein. This report shall also include descriptions of the work needed to achieve compliance, the estimated capital and operational costs, and projected completion dates of any construction needed to come into compliance with the violations cited herein.

[Signature]

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

C. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Ms. Magda Dallemagne
Water Enforcement Branch (6EN-WS)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to forego any administrative, judicial, civil or criminal action to seek penalties, fines, or any other relief appropriate under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

This Order does not constitute a waiver or modification of the terms or conditions of Respondent's NPDES permit, which remains in full force and effect. Compliance with the terms and conditions of this Order does not relieve Respondent of its obligation to comply with any applicable federal, state, or local law or regulation.