



ARKANSAS

ENERGY & ENVIRONMENT

February 22, 2023

Honorable Brenda Weldon
Mayor, City of Malvern
305 Locust
Malvern, AR 72104

EMAIL: mayor@malvernar.gov

**RE: NPDES Permit Number: AR0034126, AFIN: 30-00040
Request for Bacteria Sampling and a Communications Plan for
Sanitary Sewer Overflows into Town & Chatman Creeks**

Dear Mayor Weldon:

The City of Malvern has reported a large number of Sanitary Sewer Overflows (SSOs) at Manholes #0154 and #0155, which are located near the intersection of Laurel and Davis, at Manhole #0086 at the intersection of Kelly and Morzett Streets, and at Manhole #0069 located near the 700 block of Walco Road in Malvern, Arkansas. These manholes discharge into an unnamed tributary of Town Creek or directly into Town Creek, which flows into Chatman Creek and then to the Ouachita River.

The most recent SSO reported to DEQ was a significant wet-weather SSO from Manhole #0086 at the intersection of Kelly and Morzett Streets that began on Wednesday, February 15, 2023, at 7:00am and continued until Friday, February 17, 2023, at 7:00pm. During this SSO event, approximately 2,246,600 gallons of untreated sewage was released into waters of the state. Such unpermitted discharges are a violation of Ark. Code Ann. § 8-4-217(b)(1). As result of these recurring unpermitted overflows, DEQ requires the following:

- (1) The City of Malvern, upon discovery of a SSO at Manholes #0069, #0086, #0154, #0155, or any other manhole or pump station that discharges into Town and Chatman Creeks, or any tributaries thereto, shall immediately sample the unpermitted discharge for *E. coli*.¹ Copies of the analytical results and chain-of-custody forms shall be emailed to the DEQ Office of Water Quality, Enforcement Branch within three calendar days of sample collection.
- (2) For each SSO event, City of Malvern shall monitor and sample the unnamed tributary to Town Creek at the Walco Road Bridge and Town Creek at the Walco Road Bridge for *E. coli*. Copies of the analytical results and chain-of-custody forms shall be emailed to DEQ Office of Water Quality, Enforcement Branch within three calendar days of sample collection. For each sample that exceeds the water quality criteria for *E. coli*, (2050 cfu/100mL from October 1 to April 30 and 410 cfu/100mL from May 1 to September 30), City of Malvern shall also sample two distinct locations directly downstream for *E.coli*: (1) at Chatman Creek Bridge at the City of Malvern Wastewater Treatment Plant, and (2) at Grigsby Ford Road Bridge at Chatman Creek. Copies of the analytical results

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

and chain-of-custody forms shall be emailed to the DEQ Office of Water Quality, Enforcement Branch within three calendar days of sample collection.² When such additional sampling occurs, City of Malvern shall also notate the coordinates of the sample locations on the chain-of-custody forms.

- (3) The City of Malvern shall, by close of business on **Friday, March 3, 2023**, submit a Communication Plan to:
- (a) Notify the public immediately of the water quality issues in Town and Chatman Creeks. Specifically, the notification shall be communicated to residents in the areas adjacent to Town Creek and Chatman Creek. The City of Malvern shall develop a notification system and post signage to the impacted areas. As needed, the City of Malvern 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 Town and Chatman Creeks to the public.

Should you have any questions concerning this matter, please contact Richard Healey, Enforcement Branch Manager, at 501-683-0640 or at richard.healey@adeq.state.ar.us or Stacie Wassell, Deputy Associate Director, at stacie.wassell@adeq.state.ar.us.

Sincerely,

Alan J. York
Associate Director, Office of Water Quality, DEQ
5301 Northshore Drive, North Little Rock, AR 72118

Cc: Carl Wheatley, Operator, City of Malvern, sewerratboy@gmail.com
Chad A. Hastings, Crist Engineers, Inc. chastings@cristengineers.com
Terry Paul, Environmental Health Branch Chief, ADH, terry.paul@arkansas.gov
Stacie Wassell, Deputy Associate Director OWQ stacie.wassell@adeq.state.ar.us
Jason Bolenbaugh, OWQ Compliance Branch Manager, Bolenbaugh@adeq.state.ar.us
Richard Healey, OWQ Enforcement Branch Manager, Richard.Healey@adeq.state.ar.us

² Analyses must be performed in accordance with 40 C.F.R. Part 136.