



-UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

AUG 24 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7011 0110 0001 3590 6339

Mr. Bill Duckett, City Manager
City of Ashdown
161 West Commerce Street
Ashdown, AR 71822

Re: Administrative Order Docket Number: CWA-06-2011-1839
NPDES Permit Number: ARL042951

Dear Mr. Duckett:

Enclosed is an Administrative Order (AO) issued to the City of Ashdown for violation of the Clean Water Act (33 U.S.C. § 1251 et seq.). The violation was identified during our April 2011, review of your National Pollutant Discharge Elimination System (NPDES) program file. The AO is for failure to submit your annual sludge discharge monitoring report for calendar year 2010, which is a violation of 40 C.F.R. § 503.18(a).

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The compliance deadline is within thirty (30) days of receipt of the AO. The Environmental Protection Agency is committed to ensuring compliance with the requirements of the NPDES program, and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2011-1839 and NPDES Permit Number ARL042951 with your response.

If you have any questions, please contact Ms. Nancy Williams, of my staff, at (214) 665-7179.

Sincerely

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Mr. Steve Drown
Assistant Chief, Water Division
Arkansas Department of Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6 • 1445 Ross Avenue, Suite 1200 • Dallas, TX 75202-2733
FINDINGS OF VIOLATION and ORDER FOR COMPLIANCE
Docket Number: CWA-06-2011-1839, NPDES Permit Number: ARL042951

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 ("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 further delegated this authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Permittee, City of Ashdown, 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 relevant times, the Permittee owned or operated a wastewater treatment plant, located at 161 West Commerce Street, in Ashdown, Little River County, Arkansas ("facility"), and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2. The mailing address for the Permittee is 161 West Commerce Street, Ashdown, AR 71822.
3. At all relevant times, the facility was a "treatment works" and a "publicly-owned treatment works" ("POTW") within the meaning of Section 212(2) of the Act, 33 U.S.C. § 1292(2), and 40 C.F.R. §§ 122.2 and 403.3. As a result, Permittee and the facility were subject to the Act and federal regulations governing the use and disposal of domestic sewage sludge set forth at 40 C.F.R. Part 503.
4. Pursuant to the authority of Section 405(d) of the Act, 33 U.S.C. § 1345(d), EPA promulgated federal regulations for the use and disposal of sewage sludge, which became effective on February 19, 1994. These regulations are specified at 40 C.F.R. Part 503 and consist of general requirements, pollutant limits, management practices, and operational standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works.
5. Pursuant to Section 405(e) of the Act, 33 U.S.C. § 1345(e), it is unlawful for any person to dispose of sludge from a POTW or any other type of treatment works treating domestic sewage for any use for which regulations have been established under Section 405(d) of the Act, 33 U.S.C. § 1345(d), except in accordance with such regulations.

6. Pursuant to 40 C.F.R. § 503.18(a), Class I sludge management facilities, POTWs with a design flow rate equal to or greater than one million gallons per day, and POTWs that serve 10,000 people or more, shall submit to EPA an annual sludge monitoring report on February 19th regarding the sludge operations conducted during the previous calendar year, in accordance with 40 C.F.R. § 503.17(a).
7. At all relevant times, the facility was a POTW serving 10,000 people or more.
8. A review of EPA official files and records which track submittals required under 40 C.F.R. § 503.18(a) established that the Permittee failed to submit an annual sludge discharge monitoring report for calendar year 2010, which the Permittee was required to submit to EPA by February 19, 2011.
9. By failing to submit to EPA an annual sludge discharge monitoring report for calendar year 2010, the Permittee violated 40 C.F.R. § 503.18(a) and Section 405(e) of the Act, 33 U.S.C. § 1345(e).

ORDER

Based on the foregoing Findings and pursuant to the authority of Section 309 of the Act, EPA hereby orders the Permittee to take the following action:

- A. Within thirty (30) days of the effective date of this Order, the Permittee shall submit a completed annual sludge report for sludge operations during calendar year 2010, pursuant to 40 C.F.R. § 503.18(a).
- B. Any information or correspondence submitted by the Permittee to EPA under this Order shall be addressed to the following:

Ms. Nancy Williams
Water Enforcement Branch (6EN-WC)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Issuance of this Order shall not be deemed an election by EPA to forego any administrative or 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. EPA reserves the right to seek any remedy available under the law that it deems appropriate. Failure to comply with this Order or the Act can 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 the Permittee's NPDES permit, which remain in full force and effect. Compliance with the terms and conditions of this Order does not relieve the Permittee of its obligation to comply with any applicable federal, state, or local law or regulation.

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

8.24.11

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division