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Wastewater Enforcement: Arkansas Department of Environmental Quality and Pope County, Arkansas Treatment System Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Rafael Rivera entered into an April 16th Consent Administrative Order (“CAO”) addressing an alleged violation of the Arkansas Code related to wastewater treatment systems. See LIS No. 19-034.

The individual is stated to operate a treatment system (“System”) in Pope County, Arkansas .

The System is stated to treat wastewater that is discharged to an unnamed tributary and eventually the Arkansas River. The System is stated to be regulated pursuant to the National Pollution Discharge Elimination System (“NPDES”).

ADEQ is stated to have contacted a reconnaissance inspection of the System on June 21, 2017. This inspection is stated to have indicated the following violations:

- Respondent was discharging domestic wastewater through an unpermitted wastewater treatment system into waters of the State. This is a violation of Ark. Code Ann. § 8-4-217(b)(1)(E) and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

The individual is stated to have responded to ADEQ that a response would be provided to the agency by September 1, 2017. An incomplete Notice of Intent (“NOI”) was stated to have been submitted to the agency on January 4, 2018. The NOI is stated to have failed to name a licensed Class II operator and correct outfall coordinates. An additional request from ADEQ for requested information was not addressed. The application was placed in inactive status.

ADEQ conducted on October 23, 2018, an additional reconnaissance inspection. The inspection allegedly revealed the following violation:

- Respondent was discharging domestic wastewater through an unpermitted wastewater treatment system into waters of the State. This is a violation of Ark. Code Ann. § 8-4-217(b)(1)(E) and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

The individual submitted a complete NOI to ADEQ on January 24, 2019.

ADEQ is stated to have issued an Individual Treatment Systems General Permit coverage to the individual for discharge of treated domestic wastewater into the waters of the state pursuant to Individual Treatment Systems General Permit, permit tracking number ARG550583.

The CAO requires:

- Immediate compliance with the NPDES permit;
- Submission of recertification of the permit no later than May 31, 2019;
- A civil penalty \$3,600 of which \$3,100 is conditionally suspended contingent upon compliance with certain paragraphs in the CAO. If so, a penalty of \$500 is assessed.

A copy of the CAO can be downloaded [here](#).