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## Wastewater Enforcement: Arkansas Department of Environmental Quality and Sebastian County, Arkansas Wastewater Treatment Facility Operator Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and Sebastian Lake Utility Operating Company, LLC (“Sebastian Lake Utility”) entered into a May 13th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-044.

The CAO provides that Sebastian Lake Utility operates a wastewater treatment facility (“Facility”) in Sebastian County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Hackett Creek which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES permit. It is stated to have become effective on January 1, 2014, with a minor modification effective December 28, 2018. The permit is stated to have expired on December 31, 2018.

Part III, Section D, Condition 10 of the NPDES permit requires Sebastian Lake Utility to submit a complete permit renewal application at least 180 days prior to the expiration date of the NPDES permit if the activity regulated by the NPDES permit is to continue after the expiration date. Sebastian Lake Utility is stated to intend to operate the Facility beyond the expiration date of December 31, 2018.

The Facility operator was stated to have been notified on two occasions that the NPDES permit would expire on December 31, 2018, and that in order to continue the regulated activity, a complete renewal application should have been submitted no later than July 4, 2018.

ADEQ is stated to have received Sebastian Lake Utility’s application for transfer of the permit on August 13, 2018. Additional information was subsequently submitted. The Facility operator was notified of the permit transfer by ADEQ on December 26, 2018.

A permit renewal application was provided to ADEQ on January 11, 2019, and deemed complete on January 18, 2019. Nevertheless, the failure to submit the NPDES permit renewal application by July 4, 2018, was deemed a violation of Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that Sebastian Lake Utility comply with the existing NPDES permit until the effective date of the permit renewal.

A civil penalty of \$1,000 is assessed, which could have been reduced by one-half if it was returned within 20 calendar days of receipt of the CAO.

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