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

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The Arkansas Department of Environmental Quality (“ADEQ”) and Flushing Meadows Utility Operating Company, LLC (“FMUOC”) entered into a May 29th Consent Administrative Order (“CAO”) addressing a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-051.

FMUOC is stated to operate a wastewater treatment plant (“Facility”) pursuant to an NPDES permit.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Gold Creek that eventually flows to the Arkansas River. The most recent renewal of the previously referenced NPDES permit was issued on July 17, 2015, with an effective date of August 1, 2015 and expiration date of July 31, 2020.

FMUOC is stated to have contracted to purchase the Facility with a closing date to be no later than 60 days after the execution of the CAO. Further, the entity takes responsibility for the Facility at closing by complying with the CAO. A Corrective Action Plan (“CAP”) was stated to have been submitted on December 13, 2018, to ADEQ with a milestone schedule for the Facility. The proposed milestone schedule would begin on the closing date of the sale of the Facility.

ADEQ is stated to have requested that FMUOC submit an update to the CAP within 30 calendar days of the closing date. Such updated CAP will include an interim operating plan to address the Facility’s permit violations and a study of alternatives, including the feasibility of connecting the Facility to Conway corporation’s wastewater treatment system.

The CAO provides that at least 10 days before the closing date, FMUOC shall provide ADEQ with all documentation required by the agency for the NPDES permit to be transferred to FMUOC. Further, the entity shall take responsibility for the Facility at closing by complying with the CAO.

ADEQ agrees to transfer the NPDES permit to FMUOC once the entity has provided the required documentation for the transfer, the civil penalty has been paid, and the sale of the Facility to FMUOC has been successfully concluded.

The CAO provides for the submission of the updated CAP along with addressing issues such as an interim operating plan, study of alternatives, and incorporation of a milestone schedule.

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