

Wastewater Enforcement: Arkansas Department of Environmental Quality and Wheatley, Arkansas Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Wheatley, Arkansas, (“Wheatley”) entered into a June 11th Consent Administrative Order addressing alleged violations of the Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-057.

The CAO provides that Wheatley operates a wastewater treatment facility (“Facility”) in St. Francis County, Arkansas.

The Facility is stated to discharge treated wastewater to Big Creek that eventually flows to the White River Basin. Such discharge is regulated pursuant to an NPDES permit.

The NPDES permit is stated to require Wheatley to submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if the activity will continue after the expiration date. Wheatley is stated to have intended to operate the Facility beyond the expiration date of the current permit. Further, ADEQ is stated to have notified Wheatley that the permit would expire on October 31, 2018, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than May 4, 2018.

Wheatley is stated to have submitted an incomplete application to ADEQ for renewal, which the agency indicated was incomplete. Additional information was submitted by Wheatley and the agency deemed it administratively complete. The complete permit renewal application is stated to have not been received by May 4, 2018, and, therefore, constituted a failure to submit the renewal application, in violation of the permit.

ADEQ has since issued an NPDES permit renewal to Wheatley.

The CAO also provides that certain discharge monitoring reports were submitted after the 25th day of the month following the completed reporting period and, therefore, not submitted in accordance with Part 3, Section C, Condition 5 of the permit. The time periods in which the discharge monitoring reports were allegedly late are identified in the CAO. Such failure to submit the discharge monitoring reports in a timely manner is stated to have constituted a violation of the permit.

The CAO assesses a civil penalty of \$2,000, which could be reduced by one-half if the document was signed and returned to ADEQ within 20 days of the receipt of the CAO.

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

