

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



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The Arkansas Department of Environmental Quality (“ADEQ”) and the City of Bigelow, Arkansas (“City”) entered into a July 1st Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-062.

The CAO provides that the City operates a wastewater treatment facility (“Facility”) in Perry County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary that eventually flows to the Arkansas River. Such discharge is undertaken pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit is stated to require the City to submit a complete permit renewal application at least 180 days prior to the expiration of the permit if the activity regulated by the permit is to continue after the expiration date. The Facility is stated to intend to operate beyond the expiration date of the current permit – February 28, 2019. Further, ADEQ is stated to have notified the City that the permit would expire on February 28, 2019, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than September 1, 2018.

The City is stated to have submitted an incomplete permit renewal application on September 19, 2018. Additional information was submitted and ADEQ notified the City that the application was administratively complete.

The CAO provides that the permit renewal application was not received by September 1, 2018, therefore constituting a violation of Part III, Section D, Condition 10 of the permit.

The City submitted a request for continuation of the permit on April 8, 2019, until the effective date of the permit renewal, and acknowledged intent to comply with the NPDES permit until the effective date of the permit renewal.

The CAO requires that the City comply with the expired NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination.

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

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

