

Wastewater Enforcement: Arkansas Division of Environmental Quality and City of Greenway Enter into Consent Administrative Order



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

11/18/2019

The Arkansas Division of Environmental Quality (“DEQ”) and City of Greenway, Arkansas (“City”) entered into an October 17th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-097.

The CAO provides that the City operates a wastewater treatment plant (“Plant”) in Clay County, Arkansas.

The Plant is stated to discharge treated wastewater to an unnamed tributary of Big Slough Ditch that eventually flows to the St. Francis River Basin. Such discharge is regulated pursuant to a Clean Water Act NPDES permit (“Permit”). The Permit is stated to have become effective on October 1, 2015 and expired on September 30, 2019.

Part III Section D, Condition 10 of the NPDES Permit required the City to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date. It is stated that the City intends to operate the Facility beyond the expiration date of the current Permit (September 30, 2019).

The City is stated to have requested an extension beyond April 4, 2019 when the renewal application for the Permit should have been submitted. DEQ granted the City an extension for submission until May 3, 2019. However, it is stated that DEQ received an incomplete permit renewal application from the City on May 15, 2019. Additional information was subsequently submitted and the application for renewal was deemed administratively complete.

The alleged failure to submit a complete permit renewal application by May 3, 2019 is stated to be a violation of Part III, Section D, condition 10 of the Permit.

The CAO requires that the City comply with the 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 CAO was signed and returned to DEQ within 20 days of its receipt.

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