

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



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The Arkansas Division of Environmental Quality (“DEQ”) and the City of Altus, Arkansas (“City”) entered into a September 27th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-084.

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

The Facility discharges treated wastewater to the Arkansas River pursuant to an NPDES permit. The permit was stated to have been issued to the City on November 17, 2014 and became effective December 1, 2014. It is stated to expire on November 30, 2019.

The CAO provides that Part III, Section D, Condition 10 of the permit requires the City 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. The City is stated to intend to operate the Facility beyond the expiration date of the current permit (November 30, 2019).

The City was stated to have been notified on December 4, 2018 and March 6, 2019 that the NPDES permit would expire on November 30, 2019. As a result, in order to continue the regulated activity, a complete renewal application was required to be submitted no later than June 3, 2019.

The City is stated to have submitted an incomplete permit renewal application to DEQ on May 31, 2019. DEQ is stated to have notified the City that the permit renewal application was incomplete. However, additional information was submitted by the City and on July 5, 2019 the City’s permit renewal application was deemed administratively complete.

The CAO alleges that because the complete permit renewal application was not received by June 3, 2019 this constitutes a violation of Part III, Section D, Condition 10 of the NPDES permit.

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

Further, a civil penalty of \$1,000 is assessed which could have been reduced to \$500 if an executed CAO is returned to DEQ within 20 days of receipt of the CAO.

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

