



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

Wastewater Enforcement: Arkansas Department of Energy and Environment (Division of Environmental Quality) and City of Carlisle, Arkansas Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Carlisle, Arkansas (“Carlisle”) entered into a December 6th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) Permit. See LIS No. 19-112.

The CAO provides that Carlisle operates a municipal wastewater treatment facility (“Facility”) in Lonoke County, Arkansas.

The Facility is stated to discharge treated wastewater to Bayou Two Prairie which eventually flows to the Arkansas River. The Facility has been issued an NPDES Permit.

The NPDES Permit requires in Condition 10 that Carlisle submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the regulated activity is to continue after the expiration date. Carlisle is stated to intend to operate the Facility beyond the expiration date of the current Permit.

DEQ is stated to have notified Carlisle that the Permit would expire on January 31, 2020, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than August 4, 2019. It is stated to have received an incomplete application for renewal from Carlisle on May 3, 2019 and notified Carlisle that its Permit renewal application was incomplete on May 10, 2019. Because the NPDES permit renewal application was not received by August 4, 2019, this is stated to constitute a violation of Part III, Section D, Condition 10 of the NPDES Permit.

The CAO requires that on or before the effective date of the CAO that Carlisle submit a complete permit renewal application to DEQ. Further, Carlisle is required to comply with the existing NPDES Permit until the effective date of the Permit renewal.

A civil penalty of \$1,000 is assessed which could have been reduced to \$500 if the CAO was signed and returned to DEQ within 30 calendar days of receipt of the document.

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