



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

Wastewater Enforcement: Arkansas Department of Energy and Environment - Department of Environmental Quality and Phillips County Improvement District Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Department of Environmental Quality (“DEQ”) and Southland Improvement District (“SID”) entered into a December 19th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 19-119.

The CAO provides that SID operates a municipal wastewater treatment plant (“Facility”) in West Helena, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary to Lick Creek which eventually flows into the White River. It is regulated pursuant to an NPDES permit.

DEQ is stated to have issued the NPDES permit to SID on March 24, 2014, with an expiration date of April 30, 2019. Part III, Section D, Condition 10 of the NPDES permit requires SID 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.

SID is stated to intend to operate the Facility beyond the expiration date of the current permit (April 30, 2019). DEQ is stated to have received an incomplete application for renewal from SID on April 2, 2019. Additional information is stated to have been received on May 16, 2019. SID was notified on May 28, 2019 that more information was required to complete the application.

The CAO provides that a complete NPDES permit renewal application was not received by November 1, 2018. This is stated to constitute a violation of the previously referenced sections of the permit.

The CAO requires that SID submit to DEQ a complete permit renewal application. Further, SID is required to comply with the existing 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.

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

