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## Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Black Rock Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Black Rock, Arkansas (“Black Rock”) 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. 19-125.

Black Rock is stated to operate a wastewater treatment facility (“Facility”) in Lawrence County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of the Black River, which eventually flows to the White River Basin. The discharge is regulated pursuant to an NPDES permit. The permit is stated to be scheduled to expire on December 31, 2019.

Part III, Section D, Condition 10 of the NPDES permit required Black Rock 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 was to continue after the expiration date. Black Rock is stated to intend to operate the Facility beyond the expiration date of December 31, 2019. Further, Black Rock was stated to have been notified by DEQ that the permit would expire on that date and that in order to continue the regulated activity a complete renewal application must be submitted no later than July 4, 2019.

An engineering firm is stated to have submitted on behalf of Black Rock on June 25, 2019 a notice that they would not be able to submit the application until August 16, 2019. DEQ is stated to have responded to the engineering firm correspondence and agreed to allow renewal submittal without testing data before July 4, 2019. An incomplete permit renewal application was stated to have been submitted to DEQ prior to July 4, 2019.

Additional information was submitted by Black Rock on September 6, 2019. On September 11, 2019 DEQ notified Black Rock that the permit renewal application was administratively complete.

The CAO provides that the complete renewal application was not received by July 4, 2019. As a result, this is alleged to constitute a failure to submit the permit renewal application within 180 days of the expiration of the permit. This is alleged to be a violation of Part III, Section D, Condition 10 of the permit.

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

A civil penalty of \$1,000 is assessed which could have been reduced to one half if the document was signed and returned to DEQ within 20 calendar days of receipt of the CAO.

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