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## UIC/Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality Files Benton County Circuit Court Civil Complaint Against Bethel Heights Alleging Violations of Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) filed a March 3rd Complaint against the City of Bethel Heights (“Bethel Heights”) alleging violations of a Consent Administrative Order (“CAO”). See CIV-20-733.

DEQ and Bethel Heights had entered into a CAO on October 16, 2019, addressing alleged violations of a no-discharge permit issued pursuant to the authority of Arkansas Pollution Control and Ecology Commission Regulation No. 17 (Arkansas Underground Injection Control Code). See LIS No. 19-070.

Bethel heights has operated a decentralized wastewater system (“System”) pursuant to a no-discharge permit. The no-discharge permit addresses a treatment System that include drip irrigation dispersal fields.

DQE had issued an August 16, 2019, Notice of Violation (“NOV”) alleging violations of the no-discharge permit. Bethel Heights filed a response to the NOV. Subsequently, a number of individuals who described themselves as property owners adjoining the Bethel Heights wastewater facility successfully petitioned to intervene.

The Order and Agreement section of the CAO addresses/requires:

- Ceasing use of chemicals for wastewater treatment that are not authorized by the Permit
- Undertake measures necessary to prevent pooling, ponding, or surfacing in the System
- Monthly Monitoring Reports
- Weekly Reports
- Monthly on-site Engineering Inspections
- Submission of a Facility Plan
- Interim measures for operation

- Final closure

Further, the CAO assessed a civil penalty of \$101,200. However, \$81,200 was conditionally suspended if Bethel Heights fully complied with the CAO.

The DEQ Complaint describes the Bethel Heights treatment System along with its permit and the previous enforcement action (i.e., NOV). Also described are various requirements imposed upon Bethel Heights by the CAO.

The Complaint alleges that certain requirements of the CAO have not been met. As a result, it asks the Court to:

(A) Issue an order against the City of Bethel Heights compelling compliance with the requirements contained in CAO LIS 19-070, and specifically, ordering the City of Bethel Heights to:

(1) Take all measures necessary to prevent pooling, ponding, or surfacing at Defendant's Facility; and

(2) Implement the daily removal of a volume of wastewater as estimated in the Facility Plan and in conjunction with the Haul Off Action Plan, as approved by DEQ, and any adjustments based on the monthly Engineering Inspection Report;

(B) Render a judgment against the City of Bethel Heights in the amount of Eighty-one Thousand Two Hundred Dollars (\$81,200.00) for the suspended civil penalty assessed by CAO LIS 19-070;

A copy of the Complaint without the exhibits can be found [here](#).