



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

Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Arkansas Department of Human Services Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and the Arkansas Department of Human Services (“ADHS”) entered into a September 28th Consent Administrative Order (“CAO”) addressing alleged violations of the Arkansas Code related to water permitting. See LIS No. 20-174.

The CAO provides that ADHS operates a wastewater treatment system (“Facility”) in Mansfield, Arkansas.

The Facility is described as including:

One (1) acre waste stabilization pond, dosing siphon, two (2) sand filters, and a chlorine contact chamber.

The Facility is stated to discharge wastewater to an unnamed tributary of Lake No. Two and eventually to the Arkansas River. Further, the discharge is stated to be regulated pursuant to the National Pollution Discharge Elimination System (“NPDES”).

ADHS is stated to have submitted an incomplete permit application on March 17, 2015. DEQ is stated to have subsequently provided a list of items needed to complete the permit application to which ADHS submitted additional information.

DEQ notified ADHS that the application was still incomplete and provided a list of additional items needed to complete the permit application. The Facility was subsequently notified by DEQ that the application had been placed in inactive status for failure to satisfy the deficiencies in the permit application.

DEQ is stated to have conducted a Reconnaissance Inspection at the Facility on September 18, 2019. The inspection is alleged to have revealed the following violation:

- Operation of a treatment system without a required permit

ADHS was notified of the inspection results and a response requested within 30 days of receipt of the letter. ADHS is stated to have failed to respond and a subsequent DEQ request was not addressed.

DEQ is stated to have received an incomplete application on January 7, 2020. DEQ notified ADHS that the application was still incomplete. A list of items needed to complete the permit application is stated to have been provided.

Subsequent information was received on four additional dates. On February 14th DEQ notified ADHS that the application was administratively complete.

The CAO requires that ADHS monitor the effluent discharge and comply with preliminary limits for discharge to a tributary of Cherokee Creek until the effective date of the permit issued to ADHS. The preliminary limits are described in the CAO.

The Facility is also required to report monthly monitoring results on a Discharge Monitoring Report along with additional information as specified in the CAO. Further, quarterly progress reports detailing construction of a new wastewater treatment plant are required to be submitted.

A civil penalty of \$7,200 is assessed which is conditionally suspended. If ADHS fully complies with the CAO, the suspended civil penalty of \$7,200 shall be dismissed. Failure to comply with the terms of the CAO will result in an immediate requirement of ADHS to remit \$7,200.

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