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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and City of Wabbaseka, Arkansas (“City”) entered into a March 18th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-023.

The CAO provides that the City operates a municipal wastewater treatment plant (“Facility”) in Jefferson County, Arkansas.

The Facility is authorized to discharge wastewater to Lateral No. 2 which eventually flows to the Arkansas River. The Facility is regulated pursuant to an NPDES permit (“Permit”).

Part III, Section D, Condition 10 of the Permit requires the City to submit a complete permit renewal application at least 180 days prior to its expiration if the regulated activity is to continue after the expiration date. The City is stated to intend to operate the Facility beyond the expiration date of the current Permit, March 31, 2021.

DEQ and the City are stated to have met via Zoom on July 21, 2020, to discuss:

- Permit expiration
- Missing discharge monitoring reports (“DMRs”)
- Overdue invoices

The CAO provides that to date the City has not submitted a complete permit renewal application which is alleged to violate Part III, Section D, Condition 10 of the Permit.

In regards to missing DMRs, the City is stated to have indicated to DEQ that Environmental Services Company would not release the data until an outstanding invoice had been paid.

DEQ is stated to have conducted a review of certified DMRs submitted by the City in accordance with the Permit. The review is stated to have indicated that DMRs for the following monitoring period end dates for the following years have not been submitted:

1. 2016: April 30, 2016; May 31, 2016; June 30, 2016; and August 31, 2016;
2. 2018: July 31, 2018; August 31, 2018; September 30, 2018; October 31, 2018; November 30, 2018; and December 31, 2018;
3. 2019: January 31, 2019; February 28, 2019; March 31, 2019; April 30, 2019; May 31, 2019; June 30, 2019; July 31, 2019; August 31, 2019; September 30, 2019; October 31, 2019; November 30, 2019; and December 31, 2019; and
4. 2020: January 31, 2020; February 29, 2020; March 31, 2020; April 30, 2020; May 31, 2020; June 30, 2020; July 31, 2020; August 31, 2020; and September 30, 2020.

The CAO also provides that certain fees have not been paid to DEQ, allegedly violating Part III, Section A, Condition 11 of the Permit.

The CAO requires that prior to its effective date the City shall submit a complete permit renewal application to DEQ. Further, the City is required to comply with the existing NPDES Permit until the effective date of the Permit renewal. In addition, missing DMRs referenced in the CAO are required to be submitted and overdue invoice fees paid.

A civil penalty of \$8,650 is assessed, of which \$7,650 is suspended if the City fully complies with the CAO.

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