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

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the City of Lepanto, Arkansas (“Lepanto”) entered into a September 15th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-093.

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

The Facility is stated to discharge treated wastewater to the Left Hand Chute of the Little River which eventually flows into the St. Francis River. Such discharge is authorized pursuant to an NPDES permit (“Permit”).

DEQ is stated to have issued the Permit to Lepanto on September 15, 2016. It is stated to expire on October 31, 2021. Part III, Section D, Condition 10 of the Permit requires Lepanto 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 is to continue after the expiration date.

Lepanto is stated to intend to continue to operate the Facility beyond the expiration date of the current Permit – October 31, 2021.

Lepanto is stated to have submitted a NPDES renewal permit application to DEQ on May 5th. DEQ is stated to have notified Lepanto that the application was incomplete and missing the following information:

- DEQ Form 1:
- A location map;
- Design flow and highest monthly average flow from the past two years;
- Explanation for not having a backup generator; and
- Explanation of what is done with solids at the facility
- EPA Form 2A:

- A topographic map that shows at least one (1) mile around the property boundary of the facility and marks the discharge location;
- Sections 3. 7 through Section 5 must be completed;
- Tables A and B must be submitted with the required test results; and
- Section 3.6 must be marked yes since this is a permit application for discharge to a water of the state.

Lepanto submitted the additional information and the application was deemed administratively complete on May 20th. Nevertheless, the CAO provides that Lepanto failed to submit the complete permit renewal application by May 4th and violated Part III, Section D, Condition 10 of the Permit.

The CAO provides that Lepanto is required to comply with the existing 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, which could have been reduced to \$500 if the document was signed and returned to DEQ within 20 days of its receipt.

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