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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Monticello Non-Municipal Domestic Wastewater Treatment Facility Operator Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and C & K Property Investments LLC ("C & K") entered into a December 8th Consent Administrative Order ("CAO") addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit. See LIS No. 21-126.

The CAO provides that C & K operates a non-municipal domestic wastewater treatment facility ("Facility") in Monticello, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary to Godfrey Creek which eventually flows to the Ouachita River.

Such discharge is authorized pursuant to an NPDES permit.

Part III, Section 10, Condition 10 of the NPDES permit requires C & K to submit a complete permit renewal application at least 180 days prior to the expiration date of the NPDES permit if the activity regulated is to continue after the expiration date. C & K is stated to intend to operate the Facility beyond the expiration date of the current NPDES permit.

DEQ is stated to have received a permit renewal application on July 21st and July 27th which was deemed incomplete.

The renewal application was stated to have been missing the following information:

1. DEQ Form 1, Section B.2 needs to state how the samples are collected, i.e., grab, autosampler, etc. It currently states the frequency.
2. DEQ Form 1, Section B.2 also requires submittal of a process flow diagram.

3. EPA Form 2E needs to include data for Oil and Grease as well as summer and winter effluent temperatures. For the effluent data that cannot be gathered before the submittal deadline, the application form should indicate that it will be collected as soon as possible.

The application was deemed administratively complete on August 13th after C & K submittal with additional information.

The CAO alleges a violation of failure to submit the complete permit renewal application by August 4th, violating Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that C & K comply with the existing NPDES permit until either the effective date of the NPDES permit renewal or the effective date of the NPDES permit termination.

A civil penalty of \$1,000 is assessed which could have been to \$500 if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

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