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## Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Miller County Sand Mining Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and SamSand, LLC, (“SamSand”) entered into a March 8th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 22-021.

The CAO provides that SamSand operates a sand mining facility (“Facility”) located in Miller County, Arkansas.

The Facility is stated to discharge treated wastewater to the Red River in Segment 1B of the Red River Basin. Such discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires SamSand to submit a complete permit renewal application at least 180 days prior to its expiration if the activity regulated is to continue after the expiration date. SamSand is stated to have indicated it intends to operate the Facility beyond the expiration date of the current permit, January 31, 2022.

DEQ is stated to have notified SamSand that the permit would expire on January 31, 2022, and that in order to continue the regulated activity, a complete renewal application must be submitted no later than August 4, 2021. On August 12, 2021, SamSand is stated to have submitted an application for the renewal of its expiring NPDES permit. Additional information was submitted to DEQ on October 13, 2021.

SamSand was notified by DEQ on October 18, 2021, that the permit renewal application was administratively complete.

The CAO provides that because the complete permit renewal application was not received by August 4, 2021, a violation of the NPDES permit has occurred.

As a result, SamSand is required to comply with the existing NPDES 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 one half if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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