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# Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Earle Travel Center Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and TA Operating, LLC, d/b/a Earle Travel Center (“TA Operating”) entered into an April 26th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-053.

TA Operating is stated to operate a domestic wastewater facility (“Facility”) in Earle, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Ditch No. 22 which eventually flows to the St. Francis river. Such discharge is authorized pursuant to an NPDES permit.

The NPDES permit requires that TA Operating submit a complete permit renewal application at least 180 days prior to the expiration of the NPDES permit if the regulated activity is to continue after the expiration date. TA Operating is stated to intend to operate the Facility beyond the expiration date of the current permit.

TA Operating is stated to have provided DEQ a permit renewal application on November 4, 2021. It was notified that its application was incomplete on November 10, 2021. Such application was missing the following information:

- The DEQ Form I should be completed using the August 2020 version, rather than the 2014 version;
- The outfall location marked on the topographic map; and
- EPA Form 2E.

Additional information is stated to have been submitted on November 15, 2021. However, on November 17, 2021, DEQ is stated to have sent a letter to TA Operating identifying certain deficiencies:

- EPA Form 2E must be signed by the Responsible Official for the Facility;
- EPA Form 2E requires submittal of winter and summer effluent temperature data;
- The business name is written incorrectly on DEQ Form 1;
- DEQ is not certain who is the actual Responsible Official; and
- DEQ Form I requires a valid electronic signature.

A complete permit renewal application was submitted on December 1, 2021, and was deemed administratively complete. However, the complete renewal application was not received by November 1, 2021, which is stated to constitute a violation of Part III, Section D, Condition 10 of the NPDES permit.

DEQ is stated to have conducted a review of discharge monitoring reports (“DMRs”) submitted by TA Operating and identified the following violations:

- Three (3) violations of Fecal Coliform Bacteria;
- Three (3) violations of Oil and Grease; and
- One (1) violation of Total Suspended Solids.

The CAO requires that TA Operating 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 by one-half 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](#).