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# Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Cities of Cotter/Gassville Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and the Cities of Cotter and Gassville, Arkansas (collectively, “Cities”) entered into a June 13th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-071.

The CAO provides that the Cities operate a municipal wastewater facility (“Facility”) in Baxter County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of the White River which eventually flows into the White River. Such discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires that the Cities submit a complete permit renewal application at least 180 days prior to its expiration date if the activity that is regulated continues after the expiration date. The cities are stated to intend to operate the Facility beyond the expiration date of the current NPDES permit – June 30, 2022.

DEQ is stated to have received an NPDES permit renewal application from the Cities on December 2, 2021. DEQ notified the Cities on December 27, 2021, that the application was incomplete. The incomplete application is stated to have been missing the following information:

1. Responsible official signature on EPA Form 2A
2. Actual effluent data, if available, not the permit limits; and
3. Highest effluent test results, not just the averages

The Cities submitted additional information for the permit renewal application on January 13, 2022. DEQ notified the Cities on February 8th that its application was administratively complete.

The NPDES permit renewal application was not received by January 1, 2022, therefore constituting a failure to submit a complete renewal application by January 1st. This is alleged to violate Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that the Cities comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination. Failure to meet any requirement or deadline of the CAO is stated to constitute a violation of the CAO.

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