



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Baxter County Mobile Home Community Enter into Consent Administrative Order

09/07/2022

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Rolling Meadows MHC LLC (“Rolling Meadows”) entered into a June 23rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-074.

The CAO provides that Rolling Meadows operates a domestic wastewater treatment facility (“Facility”) in Baxter County, Arkansas.

The Facility discharges treated wastewater to an unnamed tributary of Panther Creek which eventually flows to the White River. Such discharge is authorized pursuant to an NPDES permit.

The NPDES permit requires Rolling Meadows 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. Rolling Meadows is stated to intend to operate the Facility beyond the expiration date of the current permit, July 31, 2022.

Rolling Meadows provided a permit renewal application to DEQ on January 17th. DEQ notified Rolling Meadows that its permit renewal application was incomplete on February 7th stating the following information was missing:

- a. DEQ Form 1
 - i. The submittal of a topographic map that shows a minimum of one mile around the property boundary of the facility and also has the discharge location marked.
 - ii. Submittal of a process flow diagram of the treatment system.
 - iii. The signature of the Responsible Official on the form itself. A signature on an attachment is not acceptable.
- b. EPA Form 2E

c. Trust Fund Certification Form

- i. The Operating and Maintenance Estimate portion was incomplete.
 - ii. Submittal of capital expenditures which are expected to occur in the next five years.
 - iii. Submittal of a financial plan.
 - iv. Submittal of the legal description of the service area. A plat may be submitted to fulfill this requirement.
 - v. The signature of the Responsible Official on the form itself. A signature on an attachment is not acceptable.
- d. The signature of the Responsible Official on the Disclosure Statement and the Permit Transfer Form. A signature on an attachment is not acceptable.

Rolling Meadows submitted a permit renewal application on March 16th which DEQ stated was administratively complete.

The CAO requires that Rolling Meadows 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 \$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](#).