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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and City of Lexa Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and City of Lexa, Arkansas, ("Lexa") entered into a September 13th Consent Administrative Order ("CAO") addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit ("Permit"). See LIS No. 23-069.

The CAO provides that Lexa operates a Minor municipal wastewater treatment facility ("Facility") in Phillips County, Arkansas.

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

DEQ issued an NPDES Permit to Lexa on September 6, 2018, with an effective date of October 1, 2018. A minor permit modification was issued on February 23rd, which an effective date of March 1st. The NPDES Permit expires on September 30, 2023.

Part III, Section D, Condition 10 of the NPDES Permit requires Lexa to submit a complete Permit renewal application at least 180 days prior to the expiration date of the NPDES Permit if the activity regulated by the Permit is to continue after the expiration date. The CAO provides that Lexa will continue to operate after the expiration date.

DEQ received a Permit renewal application from Lexa on March 21st. On March 22nd DEQ notified Lexa that its application was incomplete. DEQ subsequently received a revised NPDES Permit renewal application on April 4th and on April 12th DEQ notified Lexa that its application was incomplete.

Lexa subsequently submitted additional information to DEQ. However, on May 25th DEQ notified Lexa that the application was still incomplete.

The complete renewal application is stated to have not been received by April 3rd. Failure to submit the complete renewal application by April 3rd is stated to be a violation of Part 3, Section D, Condition 10 of the NPDES Permit.

The CAO requires that Lexa submit an administrative complete Permit renewal application by the effective date of the CAO. Further, Lexa is required to comply with the existing NPDES Permit until after 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](#).