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

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the City of Bradford, Arkansas, (“Bradford”) entered into an October 20th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 23-084.

The CAO provides that Bradford operates a minor municipal wastewater treatment facility (“Facility”) in White County, Arkansas.

The Facility is stated to discharge treated wastewater to Butter Creek 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 Bradford to submit a complete permit renewal application at least 180 days prior to its expiration date if the activity regulated by the permit is to continue after the expiration date. Bradford is stated to intend to operate the Facility beyond the expiration date.

DEQ received a NPDES permit renewal application from Bradford on April 21st. The renewal application was deemed incomplete. DEQ listed the information needed to complete the renewal application.

DEQ received a permit renewal application from Bradford on August 10th and on August 15th Bradford was notified that its application was incomplete. DEQ listed the information needed to complete the renewal application.

The complete NPDES permit renewal application was not received on May 4th. Therefore, the CAO alleges that the failure to submit the complete NPDES permit renewal application by May 4th is a violation of Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that Bradford submit an administratively complete permit renewal application on or before its effective date. Further, Bradford is required to comply with the existing NPDES permit until the effective date of the permit renewal.

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](#).