

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



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The Arkansas Department of Energy & Environment – Division of Environmental Quality and the City of Gosnell, Arkansas (“Gosnell”) entered into an October 16th Consent Administrative Order (“CAO”) to address an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 23-079.

The CAO provides that Gosnell operates a wastewater treatment facility (“Facility”) in Mississippi County, Arkansas.

The Facility is stated to discharge treated wastewater to State Line Ditch No. 29 which eventually flows into the St. Francis River. Such discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires that Gosnell submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if the activity regulated by the permit is to continue after the expiration date. Gosnell was stated to intend to operate the Facility beyond the expiration date of the current NPDES permit.

Gosnell submitted an NPDES permit renewal application on October 11, 2022, to DEQ. However, the renewal application is stated to have been incomplete.

DEQ notified Gosnell that its application was incomplete on October 13, 2022. Such correspondence detailed the incomplete and missing information.

DEQ notified Gosnell on November 1, 2022, via letter that the permit renewal application was incomplete and a response to the administrative incompleteness letter had not been received.

Gosnell submitted additional information on May 29th to the permit renewal application and on May 30th DEQ notified the city that the permit renewal application was incomplete. It provided a detailed listing of the incomplete and missing information.

Gosnell was stated to have not submitted to date a complete permit renewal application.

The complete renewal application was not received by January 1st. As a result, it is alleged this constitutes a failure to submit the complete permit renewal application by January 1st and is a violation of Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that Gosnell submit an administratively complete permit renewal application on or before its effective date. Further, Gosnell is required to comply with the existing NPDES permit until either the effective date of the final decision on the permit renewal application 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](#).