



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

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

02/26/2024

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and City of Banks, Arkansas, (“Banks”) entered into a Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System NPDES permit.

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

The Facility is stated to discharge treated wastewater to Watson Creek which eventually flows into the Arkansas River. Such discharge is regulated pursuant to an NPDES permit.

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

DEQ is stated to have received a permit renewal application from Banks on January 17, 2023, and was subsequently notified that the application was incomplete. Various additional items were required to be submitted.

The CAO provides that Banks has still not submitted a complete NPDES permit renewal application. This is stated to constitute a failure to submit the complete NPDES permit renewal application by January 1, 2023, in violation of Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that on or before its effective date that Banks submit an administratively complete permit renewal application. Further, Banks is required to provide the information requested by DEQ in its January 24, 2023, correspondence. In addition, Banks is required to comply with the existing NPDES permit until either the effective date of the NPDES permit renewal or the effective date of the NPDES 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 found [here](#).