



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

Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Helena Grain Handling Facility Enter in to Consent Administrative Order

03/08/2024

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Scoular Company (“SC”) entered into a February 27th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24-031.

The CAO provides that the SC facility (“Facility”) discharges treated wastewater to the Mississippi River.

The referenced discharge is regulated pursuant to an NPDES permit.

SC is stated to have submitted a request to DEQ on March 7, 2023, to transfer the permit. DEQ transferred the permit on May 17, 2023, with an expiration date of November 30, 2023.

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

DEQ is stated to have received a NPDES permit renewal application from SC on June 2, 2023. SC was notified that the application was incomplete and listed the information needed to complete the application. Such additional information was submitted to DEQ on July 10th. Subsequently, DEQ notified SC that the application was complete.

Because the complete NPDES permit renewal application was not received by June 3, 2023, a violation of Part III, Section D, Condition 10 of the NPDES permit is stated to have occurred.

The CAO requires that SC 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 by one-half 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](#).