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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Non-Municipal Sewage Treatment Works Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“ADEQ”) and Faulkner County POID (“FC”) entered into a May 15 Consent Administrative Order (“CAO”) addressing violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24.093.

The CAO provides that FC operates a non-municipal domestic sewage treatment works in Faulkner County, Arkansas.

The relevant area serviced is denominated Seven Point Lake Subdivision. The facility is stated to discharge treated wastewater to an unnamed tributary of Little Cypress Creek which eventually flows to the Arkansas River. Such discharge is regulated pursuant to a Clean Water Act NPDES permit.

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

ADEQ is stated to have received a permit renewal application from FC on October 30, 2023. The application was subsequently deemed incomplete by ADEQ. Additional information was submitted by FC to complete the application.

The complete NPDES permit renewal application is stated to have not been received by October 3, 2023, constituting a violation of Part III, Section D, Condition 10 of the NPDES permit.

ADEQ is stated to have conducted a review of the Certified Discharge Monitoring Reports (“DMR”) on November 7, 2023. A review is stated to have identified the following violations:

- Six violations of Ammonia Nitrogen.
- Three violations of Fecal Coliform Bacteria.

The review of the DMRs is also stated to have indicated that FC failed to conduct analysis for the monitoring periods ending March 31, 2021; August 31, 2021; and September 30, 2021.

The CAO requires that FC comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, FC is required to monitor the effluent discharges in accordance with the monitoring frequencies set forth in Part I, Section A of the NPDES permit.

A civil penalty of \$6,000.00 is assessed which could have been reduced by half if the document was signed and returned to ADEQ within 20 calendar days of its receipt.

A copy of the CAO can be downloaded [here](#).