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Subsurface Fluid Distribution System/Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Lakeview Property Owners Association Enter into Consent Administrative Order

09/16/2024

The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Devonshire Manor Property Owners Association, Inc. (“Devonshire”) entered into an August 21st Consent Administrative Order (“CAO”) addressing an alleged violation of Arkansas Pollution Control and Ecology Commission (“Commission”) No-Discharge Permit. See LIS No. 24-130.

The CAO provides that Devonshire operates a septic tank and subsurface fluid distribution system for wastewater for a residential subdivision in Lakeview, Arkansas.

DEQ is stated to have issued a No-Discharge Permit to Devonshire on November 30, 2017, with an effective date of December 1, 2017. The Permit is stated to have expired on November 30, 2022.

Part II, Condition 21 of the Permit requires Devonshire to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the regulated activity will continue after the expiration date. Devonshire is stated to have operated the facility beyond the expiration date.

Devonshire provided DEQ a permit renewal application on May 16, 2022. However, on several subsequent dates DEQ sent Devonshire email notifications that additional information was needed.

DEQ is stated to have received the additional information from Devonshire on January 2nd. The permit renewal application was deemed administratively complete on March 28th.

Because the permit renewal application was not received by June 3, 2022, this is stated to have constituted a violation of Part II, Condition 21 of the Permit.

The CAO requires that Devonshire continue to comply with the existing Permit until the effective date of the final decision on its permit renewal application, unless Devonshire provides written notice to DEQ that it will not seek to renew the Permit. If Devonshire provides written notice to DEQ that it is not seeking a

Permit, Devonshire is required to cease all activities and submit a closure plan to DEQ for review and approval.

A civil penalty of \$1,000.00 is assessed, which could have been reduced by one half if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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