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Wastewater Enforcement: Arkansas Department of Energy and Environment and Independence County Wastewater Treatment Facility Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Select Sands America Corp. (“Select Sands”) entered into a July 10th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 24-110.

The CAO provides that Select Sands operates a wastewater treatment plant (“Facility”) in Cave City, Arkansas.

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

Part III Section D, Condition 10 of the NPDES permit requires that Select Sands 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. Select Sands is stated to intend to operate the Facility beyond the expiration date of its current permit.

DEQ is stated to have received an NPDES permit renewal application from Select Sands on November 2, 2023, but the application was deemed incomplete. Additional information is stated to have been submitted and on November 14, 2023 DEQ notified Select Sands that its permit renewal application was administratively complete.

The CAO provides that since the complete permit renewal application was not received by November 2, 2023, this constitutes a violation of Part III, Section D, Condition 10 of the NPDES permit.

DEQ is stated to have performed a review of the Certified Discharge Monitoring Reports (“DMRs”) on December 19, 2023. The review is stated to have identified the following violations:

- Failure to submit DMRs by the due date for 17 monitoring periods from November 1, 2020 through October 31, 2023.

The CAO requires that Select Sands comply with the existing permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, Select Sands is required to submit all DMRs in accordance with Part III, Section C, Condition 5 of the NPDES permit.

A civil penalty of \$1,750.00 was 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](#).