



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

Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Randolph County Public Water Authority Enter into Consent Administrative Order

04/01/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality (“DEQ”) and Northeast Arkansas Public Water Authority (“NAPWA”) entered into a March 10th Consent Administrative Order (“CAO”) alleging a violation of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 25-019.

The CAO provides that NAPWA operates a minor industrial wastewater treatment facility (“Facility”) in Pocahontas, Arkansas.

The Facility discharges treated wastewater to the Spring River which eventually flows to the White River. Such discharge is regulated pursuant to an NPDES Permit.

DEQ is stated to have conducted a review of the certified Discharge Monitoring Reports (“DMRs”) submitted by NAPWA on January 8th. Such review is stated to indicate that the Facility reported the following violations of the permitted effluent discharge limits from December 1, 2021, through November 30, 2024:

- Ten (10) violations of Total Suspended Solids; and,
- Two (2) violations of Total Residual Chlorine.

The review of the DMRs is also stated to have indicated that the Facility failed to submit a Non-Compliance Report (“NCR”) for effluent violations reported for the monitoring period ending March 31, 2022. This is alleged to constitute a violation of Part III.D.7 of the NPDES Permit.

DEQ further determined that the wastewater operator listed on the NPDES Permit did not have a current wastewater operator license, therefore violating Part II.1 of the Permit. However, on June 6, 2024, the licensed wastewater operator listed on the most recent NPDES Permit submitted an application and payment to renew his wastewater operator license.

The CAO requires that within 30 calendar days of its effective date that NAPWA provide documentation that the Facility has a wastewater operator who holds a minimum of a Basic Industrial license issued in

the state of Arkansas. Further, the Facility is required to immediately comply with all permitted effluent limits, unless a Corrective Action Plan ("CAP") is submitted and approved by DEQ, in which case it shall comply with all permitted effluent limits no later than December 31, 2026.

If the Facility is unable to immediately comply with all permitted effluent limits, it is required within 30 calendar days of the effective date of the CAO to submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer which shall include at a minimum the methods and best available technologies that will be used to correct the alleged violations listed in the Findings of Fact and prevent future violations. A reasonable milestone schedule shall be included with a final compliance date no later than December 31, 2026.

Quarterly progress reports are required. Further, on or before the effective date of the CAO, the Facility is required to submit any NCRs that were previously completed but not submitted to DEQ for any of the monitoring periods listed in paragraph 16.

A civil penalty of \$2,800 is assessed which could have been reduced to 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](#).