



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

Underground Injection Control Enforcement: Arkansas Department of Environmental Quality and Cleburne County, Arkansas Wastewater Treatment System Enter into Consent Administrative Order

04/17/2018

The Arkansas Department of Environmental Quality (“ADEQ”) and WR Holding Co, LLC (“WR”) entered into a March 26th Consent Administrative Order (“CAO”) addressing an alleged violation of a No-Discharge Permit (“Permit”). See LIS No. 18-029.

WR is stated to operate a decentralized wastewater treatment system (“System”) with drip irrigation dispersal in Heber Springs, Arkansas.

The System is stated to be subject to regulation under Arkansas Pollution Control and Ecology Commission Regulation No. 17 (Arkansas Underground Injection Control Code). The System holds a Permit denominated No-Discharge Permit No. 4872-WR-2. The Permit is stated to have been effective on December 1, 2012, and expired on November 30, 2017.

Part III, Condition 23 of the Permit is stated to require WR to 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. WR is stated to intend to operate the System beyond the November 30, 2017, expiration date.

WR is stated to have submitted a letter to ADEQ on August 11, 2017, acknowledging that the renewal application was not submitted 180 days prior to the expiration date of the Permit. The August 11th letter is stated to have further requested that the Permit be continued until the effective date of the renewal Permit.

The CAO alleges that the complete Permit renewal application was not received by June 3, 2017 (i.e., 180 days prior to the expiration date of the Permit). This alleged failure to submit the Permit renewal application by June 3, 2017, is stated to be a violation of Part III, Condition 23 of the Permit.

WR submitted a Permit renewal application on October 23, 2017. A complete Permit renewal application was submitted to the state agency by WR on January 29, 2018.

The CAO requires that WR comply with the expired Permit until the effective date of the new Permit. Further, a \$1,000 civil penalty is assessed which could be reduced to \$500 if the CAO was signed and returned to ADEQ within 20 days of receipt of the CAO.

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