

Wastewater Enforcement: Arkansas Department of Environmental Quality and Lafayette County, Arkansas Wastewater Treatment Facility Enter into Consent Administrative Order



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The Arkansas Department of Environmental Quality (“ADEQ”) and 24MW, LLC (“24”) entered into a June 4th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 18-0424.

The CAO provides that 24 operates a sanitary and cafeteria wastewater treatment facility (“Facility”) in Lewisville, Arkansas.

The Facility is stated to discharge treated wastewater to an unknown tributary that eventually flows to Bodcau Creek in Segment 1A of the Red River Basin. The Facility discharges pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit required that 24 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. 24 is stated to have indicated an intention to operate the Facility beyond the expiration date of the current permit (i.e., June 30, 2018).

24 was stated to have been notified on July 6, 2017 and October 2, 2017, that the permit would expire on June 30, 2018. Further, it is stated to have been informed that in order to continue the regulated activity a complete renewal application must be submitted no later than January 1, 2018.

The CAO states that the complete permit renewal application was not received by January 1, 2018. As a result, the CAO states that the alleged failure to submit the permit renewal application by January 1, 2018, is a violation of Part III, Section D, Condition 10 of the permit.

ADEQ is stated to have received an incomplete application for renewal from 24 on January 2, 2018. 24 is stated to have been notified that its application was incomplete on January 12, 2018. However, 24 submitted additional information on March 7, 2018, and ADEQ notified 24 that its application for renewal was administratively complete on March 9, 2018.

The CAO requires that 24 comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, a civil penalty of \$500, which can be reduced to \$250 if the CAO is signed and returned to ADEQ within 20 days from receipt of the CAO, is assessed.

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