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Clean Water Act Enforcement: Arkansas Department of Environmental Quality Faulkner County Judicial Action Against Wastewater Treatment Facility

12/05/2018

The Arkansas Department of Environmental Quality (“ADEQ”) filed a November 28th Complaint in the Circuit Court of Faulkner County, Arkansas, against Flushing Meadows Water Treatment, Inc. (“FMWTI”) alleging certain violations of the:

- Arkansas Water and Air Pollution Control Act
- Arkansas Pollution Control and Ecology Commission Regulations
- National Pollution Discharge Elimination System (“NPDES”) Permit

The Complaint states that FMWTI owns and operates a wastewater treatment facility (“Facility”) in Conway, Arkansas.

The Facility is stated to hold an NPDES permit.

ADEQ is stated to have determined that the Facility was in violation of the Arkansas Water and Air Pollution Control Act, certain Arkansas Pollution Control and Ecology Commission regulations, and the NPDES permit. As a result, the agency is stated to have issued a Notice of Violation (“NOV”).

The Complaint further states that FMWTI met with ADEQ to discuss the NOV. The agency reviewed a proposal from the Facility to address the alleged deficiencies. The response by the Facility was alleged to be deficient.

A Default Administrative Order (“DAO”) is stated to have been issued by ADEQ assessing a civil penalty in the amount of \$79,450.

The three counts in ADEQ’s Complaint allege:

1. Failure to comply with an Order issued by the Director of ADEQ pursuant to the Arkansas Water and Air Pollution Control Act
2. Failure to comply with the NPDES permit in 2018
3. A receivership is requested for the Facility

A copy of the Complaint can be found [here](#).

