



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

Wastewater Enforcement: Arkansas Department of Environmental Quality and Marion, Arkansas Mobile Home Park Operator Enter into Consent Administrative Order Addressing Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

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The Arkansas Department of Environmental Quality ("ADEQ") and Grove Mobile Home Park ("Park") entered into a Consent Administrative Order ("CAO") addressing alleged Clean Water Act National Pollution Discharge Elimination System ("NPDES") violations. See LIS No. 15-128.

The CAO provides that Tim Casper, d/b/a Grove Mobile Home Park operates a wastewater treatment facility located in Marion, Arkansas that is regulated pursuant to a Clean Water Act NPDES Permit.

The CAO alleges that ADEQ on May 25, 2015, conducted an investigation of the Park indicating the facility was discharging wastewater to an unnamed ditch without having first obtained an NPDES permit from ADEQ. Such discharge of wastewater to waters of the State without a written permit issued by ADEQ allegedly violates Ark. Code Ann. § 8-4-217(b)(1)(E).

A Notice of Violation was issued to the Park. The Park responded and filed a Request for Commission Review and Adjudicatory Hearing with the Arkansas Pollution Control & Ecology Commission.

The CAO further provides that "without admitting or denying the truth or falsity of any of the above allegations or issues currently in dispute, ADEQ and Respondent wish to avoid the uncertainty of litigation and settle and resolve their differences by entering into the CAO".

The Park agrees upon the effective date of the CAO to immediately cease the unpermitted discharge of wastewater. Further, the Park agrees to collect any domestic sewage wastewater generated at the site, and provide monthly transport and disposal receipts to ADEQ until full compliance as described below.

The Park further agrees within 60 days of the effective date of the CAO to submit to ADEQ, for review and approval, a Comprehensive Corrective Action Plan developed by a Professional Engineer registered in the State of Arkansas. The Corrective Action Plan is required to at a minimum, include a reasonable milestone schedule with the date of final compliance and detail the methods and best available technologies that will be used to correct the previously referenced violations in the Findings of Fact. Also, upon review and approval by ADEQ, the Park is required to comply with the terms, milestone schedule and final

compliance dates contained in the Corrective Action Plan. The approved Corrective Action Plan, the milestone schedule and final compliance date are fully enforceable as terms of the CAO.

The Park agrees to pay a civil penalty of \$2,500 payable in three installments.

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