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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Shannon Hills Sewer Improvement District Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Heinke Road Property Owners – Sewer Improvement District No. 34 (“District”) entered into a July 30th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-163.

The CAO provides that the District operates a wastewater treatment plant (“Facility”) in Shannon Hills, Arkansas.

The Facility is stated to discharge wastewater to an unnamed tributary of Little Fourche Creek which eventually flows into the Arkansas River Basin. Such discharge is authorized pursuant to an NPDES permit.

The NPDES permit contains a provision requiring the District to submit a complete renewal application at least 180 days prior to its expiration date if the regulated activity is to continue after the expiration date. The District is stated to intend to operate the Facility beyond the expiration date of the current permit (i.e., August 31, 2020).

The District is stated to have been notified by DEQ that the permit would expire on August 31, 2020, and a renewal application was necessary. DEQ is stated to have received a permit renewal application from the District on March 4, 2020. However, DEQ is stated to have notified the District that the permit renewal application was incomplete.

The failure to submit a complete permit renewal application by the referenced date is stated to be a violation of Part III, Section D, Condition 10 of the permit.

The CAO requires that on or before the effective date of the CAO the District submit an administratively complete permit renewal application. Further, the District is required to comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination.

A civil penalty of \$1,000 is assessed which could have been reduced to \$500 if the CAO was signed and returned to DEQ within 20 days of its receipt.

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