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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Rector Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the City of Rector, Arkansas, (“Rector”) entered into an October 4th Consent Administrative Order (“CAO”) addressing an alleged violation of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 21-122.

The CAO provides that Rector operates a municipal wastewater treatment facility (“Facility”) in Clay County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary that eventually flows to the St. Francis River. Such discharge is regulated pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires Rector to submit a complete permit renewal application at least 180 days prior to the expiration date of the NPDES permit if the activity regulated is to continue after the expiration date. Rector is stated to intend to operate the Facility beyond the expiration date of the current NPDES permit.

DEQ is stated to have not received a complete NPDES permit renewal application by April 3, 2021. This is stated to constitute a violation of Part III, Section D, Condition 10 of the NPDES permit.

Rector is stated to have attempted to submit an NPDES permit renewal application via email on July 16. However, the email is stated to have not been received by DEQ due to the large size of the attached files.

On August 27, 2012, Rector uploaded the permit renewal application to a cloud storage service and provided access to DEQ.

The CAO provides that Rector should comply with the existing NPDES permit until either the effective date of the NPDES permit renewal or the effective date of the NPDES permit termination.

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