No-Discharge Water Permit Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and City of Melbourne Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality ("DEQ") and the City of Melbourne, Arkansas, ("Melbourne") entered into a March 31st Consent Administrative Order ("CAO") addressing an alleged violation of a No-Discharge Water Permit ("Permit"). See LIS No. 22-043.

The CAO provides that Melbourne operates municipal land application sites ("Sites") in Izard County, Arkansas.

DEQ is stated to have issued a Permit to Melbourne on February 7, 2017, with an effective date of March 1, 2017, and an expiration date of February 28, 2022. Part III, Condition 23, of the Permit is stated to require Melbourne to submit a complete renewal application at least 180 days prior to the expiration date of the Permit if the activity that it regulates is to continue after the expiration date.

The CAO provides that Melbourne intends to utilize the land application sites beyond the expiration date of the current Permit, February 28, 2022.

Melbourne is stated to have not submitted a complete Permit renewal application by September 1, 2021, therefore violating Part III, Condition 23, of the Permit.

The CAO requires that on or before the effective date of the CAO Melbourne submit an administratively complete Permit renewal application. Further, Melbourne is required to comply with the existing Permit until either the effective date of the Permit renewal or the effective date of the Permit termination. In addition, for any land application event that will occur between February 28, 2022, and the effective date of the renewal Permit, Melbourne must provide written notice to DEQ's Enforcement Branch of the land application event at least five calendar days prior to the land application event.

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

A copy of the CAO can be downloaded here.