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

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and the City of Hardy, Arkansas ("Hardy") entered into a February 6th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 23-015.

The CAO provides that Hardy operates a municipal wastewater treatment facility ("Facility") in Sharp County, Arkansas.

The Facility is stated to discharge treated wastewater to the Spring River which eventually flows into the White River. Such discharge is regulated pursuant to an NPDES permit.

The NPDES permit requires Hardy to submit a complete permit renewal application at least 180 days prior to the expiration date of the permit if the activity it regulates continues after the expiration date. Hardy is stated to intend to operate the Facility beyond the expiration date of the current permit.

Hardy subsequently submitted a renewal application on May 18, 2022. On May 24, 2022, DEQ notified Hardy that the submitted renewal application was incomplete.

Paragraph 13 of the CAO identifies various items that the NPDES permit application was missing.

A revised NPDES permit renewal application was received from Hardy on June 9, 2022. DEQ again notified Hardy that the renewal application was incomplete. The information missing was stated to be an EPA Form 2A.

A second revised permit renewal application was submitted by Hardy on August 10, 2022. DEQ notified Hardy that the application was incomplete. Paragraph 15 of the CAO lists the various items that the renewal application was missing.

Hardy submitted an updated permit renewal application on August 25, 2022. DEQ notified Hardy that the NPDES permit renewal application was determined to be administratively complete on August 25th.

Because the complete permit renewal application was not received by July 4, 2022, the CAO provides that this constitutes a violation of Part III, Section D, Condition 10 of the NPDES permit.

The CAO requires that Hardy comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, the CAO requires that within 30 calendar days of its effective date that effluent testing results for winter effluent temperature and summer effluent temperature be submitted. In addition, within 30 calendar days of the effective date of the CAO Hardy is required to submit results for three influent tests for Biochemical Oxygen Demand and Total Suspended Solids.

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 calendar days of its receipt.

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