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NPDES Program/Clean Water Act: U.S. Environmental Protection Agency Withdraws Objection to Arkansas Department of Energy and Environment - Division of Environmental Quality Issuance of Northwest Arkansas Permit

09/05/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") had filed a complaint in 2022 for declaratory and injunctive relief ("Complaint") in the United States District Court (Eastern District – Arkansas) and a Petition for Review ("Petition") in the United States Court of Appeals of the Eighth Circuit against the United States Environmental Protection Agency ("EPA").

[Both actions arose out of objections EPA had raised to Clean Water Act National Pollutant Discharge Elimination System \("NPDES"\) Permits DEQ issued to the City of Springdale \("Springdale"\) and Northwest Arkansas Conservations Authority.](#)

DEQ's action in the United States District Court contended that EPA's objections to the two NPDES Permits were procedurally defective because they were raised after the review period provided by the Memorandum of Agreement between the agencies. See Case No. 4:22-cv-359-BSM.

The Complaint sought preliminary and permanent injunctions ordering EPA to withdraw its objections to both NPDES Permits.

Both DEQ and EPA had agreed to a joint motion to stay the case in August of 2022. It has therefore basically been in limbo since then.

On August 28, 2025, Troy C. Hill, P.E., Director of the EPA Region 6 Water Division, sent Bailey Taylor, DEQ Chief Administrator/Director, a letter styled:

Withdrawal of Specific Objection to Proposed NPDES Permit for Springdale Water and Sewer Commission, Springdale Wastewater Treatment Facilities, NPDES Permit No. AR0022063.

EPA Region 6 cites Section 402(d) of the Clean Water Act, 40 C.F.R. 123.44(b), and Section III.B of the Memorandum of Agreement between the agencies in stating it is withdrawing its February 10, 2022, Specific Objection to the Springdale Water and Sewer Commission NPDES Permit.

A copy of the EPA Region 6 Withdrawal letter can be downloaded [here](#).