Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Sharp County Non-Municipal Wastewater Facility Enter into Consent Administrative Order



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09/23/2025

The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and St. Joseph's Utility Operating Company, LLC ("St. Joseph's") entered into a May 15 Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-042.

The CAO provides that St. Joseph's operates a non-municipal wastewater treatment facility in Sharp County, Arkansas.

The facility is stated to discharge wastewater to the South Fork Spring River, which eventually flows to the White River Basin. Such discharge is regulated pursuant to an NPDES Permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports ("DMRs") which identified the following alleged violations:

1. Four (4) violations of Ammonia Nitrogen;
2. Five (5) violations of Fecal Coliform Bacteria ("FCB");
3. Two (2) violations of Total Suspended Solids; and
4. Two (2) violations of Carbonaceous Biochemical Oxygen Demand.

The review of the DMRs is stated to have indicated that St. Joseph's failed to submit Non-Compliance Reports ("NCRs") for effluent violations repo1ted during the following four monitoring periods.

The CAO also provides that St. Joseph's failed to pay certain invoices or late fees in an amount of $1,221.00.

The St. Joseph's facility is also stated to have been required to achieve compliance with the final effluent limits within three years from the effective date of the NPDES Permit. Annual progress reports are also stated to be required to achieve compliance with the final effluent limits for FCB and Nitrates + Nitrites. Progress reports are stated to have been submitted, however, St. Joseph's is stated to have submitted a letter to DEQ stating that the facility was not in compliance with the final effluent limits for Nitrates + Nitrites. This is stated to be a violation of the NPDES Permit.

The CAO requires that within 30 calendar days of its effective date that St. Joseph's submit to DEQ for review and approval a comprehensive Corrective Action Plan ("CAP") developed by a Professional Engineer licensed in the state of Arkansas, that will include at a minimum the methods and best available technologies that will be used to correct the violations listed in Findings of Fact and prevent future violations. The system is required to be implemented to ensure that the facility meets all reporting requirements and include a reasonable milestone schedule.

Quarterly progress reports are required.

The facility is also required within 30 calendar days of the effective date of the CAO to develop and implement a plan for completing and submitted NCRs. In addition, within 30 calendar days of the effective date of the CAO St. Joseph's is required to submit the $1,221.00 for annual and past due fees.

A civil penalty of $7,700.00 is assessed, which could have been reduced to one-half 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.