Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Grant County Subdivision Enter Into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("ADEQ") and MWM Development, LLC d/b/a Deer Creek Springs Subdivision ("MWM") entered into a December 9, 2025, Consent Administrative Order ("CAO") addressing alleged violations of the Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See Case #: CAO-010489.

The CAO provides that MWM operates a minor domestic wastewater treatment facility located in Grant County, Arkansas.

The facility is stated to discharge treated wastewater to Kelly Branch which eventually flows to the Arkansas River. Such discharges are regulated pursuant to an NPDES Permit.

ADEQ is stated to have conducted a review of Discharge Monitoring Reports ("DMRs") on June 9, 2025. The review is stated to have identified the following violations:

- Ten (10) violations of Ammonia Nitrogen;
- Eight (8) violations of Total Suspended Solids;
- Six (6) violations of Fecal Coliform Bacteria; and
- Four (4) violations of Carbonaceous Biochemical Oxygen Demand.

A review of the DMRs is also stated to have indicated failure to submit Non-Compliance Reports ("NCRs") for effluent violations reported during the following four monitoring periods:

- 2022: April, June; and
- 2023: September, October.

Further, DMRs are stated to have not been submitted as required for the following four monitoring periods:

- 2023: June, September;
- 2024: January and June.

The facility is stated to have failed to conduct analysis at outfall 001-F for the monitoring period ending January 31, 2024.

MWM submitted a letter to ADEQ requesting changes to the CAO which included a list and schedule of improvements to the facility.

The CAO requires that MWM immediately comply will all permitted effluent limits, unless the Corrective Action Plan ("CAP") is submitted and approved by ADEQ. If the CAP is approved, MWM shall comply will all permitted effluent limits no later than December 31, 2027.

The CAO further provides that if MWM is unable to immediately comply with all permitted effluent limits, the facility shall, within sixty calendar days of the effective date of the CAO, submit to ADEQ, for review and approval, a comprehensive CAP developed by an Arkansas Professional Engineer. The CAP must include, at a minimum, the methods and best available technologies that will be used to correct the violations and prevent future violations. A reasonable milestone schedule must be included.

Quarterly progress reports are required.

A civil penalty of $11,600 is assessed, of which $8,700 is conditionally suspended if the facility fully complies with the CAO.

A copy of the CAO can be found here.