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Wastewater/NPDES Enforcement: Arkansas Department of Environmental Quality and Garland County Amusement Park Enter into Consent Administrative Order Addressing Alleged Violations

Arkansas Environmental, Energy, and Water Law Blog

07/12/2016

The Arkansas Department of Environmental Quality and CLP Magic Spring TRS Corp. ("Magic Spring") enter into a July 5th Consent Administrative Order ("CAO") addressing alleged Wastewater/Clean Water Air National Pollution Discharge Elimination System ("NPDES") violations. See LIS No. 16-054.

Magic Spring operates an amusement park ("Park") in Hot Springs, Arkansas.

The CAO states that Magic Spring discharges stormwater runoff, pool filter backflow, and pool water from a treatment system consisting of a sedimentation pond with variable discharge to referenced waterbodies. The park is therefore regulated pursuant to a Clean Water Act NPDES Permit.

ADEQ is stated to have conducted a routine compliance inspection of the park on May 4, 2015. An ADEQ inspector allegedly determined that:

- Magic Spring had been operating the park without a licensed basic industrial wastewater operator as required by its NPDES permit
- Magic Spring failed to retain copies of discharge monitoring reports ("DMRs") submitted in accordance with its NPDES permit for at least three years from the date they were submitted

Magic Spring was stated to have been notified by ADEQ of the results of the inspection and the park provided certain responses. ADEQ subsequently sent a letter to Magic Spring stating that the park had sufficiently addressed the violations cited in the inspection report.

ADEQ is stated to have sent a letter requesting a corrective action plan ("CAP") to address alleged effluent violations reported by Magic Spring on DMRs submitted in accordance with its NPDES permit. Magic Spring allegedly failed to respond to the notice in a timely manner.

The CAO provides that a subsequent ADEQ review of DMRs revealed violations of the permitted effluent discharge limits in the park's NPDES permit which include:

- One violation of the effluent discharge limit for Chemical Oxygen Demand
- Thirteen violations of the effluent discharge limit for Total Residual Chlorine

Magic Spring allegedly failed to submit a complete application for renewal of its NPDES permit in a timely manner.

The CAO requires that Magic Spring immediately:

. . . hire or bring into its employ an operator who is licensed as a basic industrial wastewater operator by the State of Arkansas, in accordance with APC&EC Reg. 3, who should be responsible for the overall operation of the facility. Further, the operator's license shall be furnished to the agency on or before the effective date of the CAO. Magic Spring is also required to immediately acquire and retain on-site copies of all records and reports as required by Part III, Section C, Condition 7 of its NPDES permit and these must be provided to the agency within 30 days of the effective date of the CAO. The Park is required to comply with its expired NPDES permit until issuance of the new NPDES permit. Further, the Park is required to immediately comply with all NPDES permit limits unless a CAP is submitted as provided in Paragraph 6 of the CAO and approved by ADEQ. If so, Magic Spring is required to comply with all permitted effluent limits no later than July 31, 2017. The CAO also provides a procedure for addressing inability to comply with the permitted effluent limits through the development of a CAP.

The CAO assesses a civil penalty of \$7,000 or one-half of the full civil penalty if the CAO is signed and returned to the agency prior to July 1st.

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