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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and City of Little Rock Zoological Gardens Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and the City of Little Rock Zoological Gardens (“Zoo”) entered into an August 13th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 20-167.

The Zoo operates a zoological garden (“Facility”) in Little Rock, Arkansas.

The Facility is stated to discharge treated wastewater and stormwater runoff to Coleman Creek which eventually flows into the Arkansas River Basin. Such discharge is regulated pursuant to an NPDES permit.

The CAO provides that pursuant to Part 1, Section A, the Zoo is responsible for submitting various Discharge Monitoring Reports (“DMRs”).

DEQ is stated to have conducted a review of certified DMRs submitted by the Zoo. Such review allegedly indicated the Zoo reported the following violations of effluent discharge limits of the permit from November 1, 2016, through October 31, 2019:

1. Eight violations of Total Suspended Solids;
2. Four violations of Fecal Coliform Bacteria;
3. One violation of Chemical Oxygen Demand; and
4. One violation of Dissolved Oxygen.

The review is also stated to indicate that the Zoo had submitted over 80 DMRs past a due date from November 1, 2016 through October 31, 2019. Further, the CAO provides that at the time of the DEQ review the Zoo had not submitted quarterly DMRs ending June 30, 2019.

DEQ is stated to have sent the Zoo a letter requesting a Corrective Action Plan (“CAP”) to address the alleged violations of the permitted effluent limitations. The Zoo submitted a CAP on February 5, 2020 with a final compliance date of December 31, 2020.

The CAP included protocols and procedures that the Zoo had implemented to address the late submittal of DMRs. Such CAP was approved by DEQ which conducted a follow-up review of the certified DMRs submitted by the Zoo since the initial December 9, 2019 review.

The review is stated to have indicated that the Zoo reported the following violations:

- Six violations of total Suspended Solids; and
- Five violations of Fecal Coliform Bacteria.

Such review is stated to have indicated that the Zoo submitted four DMRs past the due date since the initial December 9, 2019 review. Further, the review also indicated that the Zoo had not submitted Non-Compliance Reports (“NCRs”) for violations reported for the following DMR monitoring report end dates:

1. 06-30-2019 002-Q;
2. 06-30-2019 004-Q;
3. 03-31-2019 002-Q;
4. 03-31-2019 004-Q.

DEQ and the Zoo subsequently held a Zoom video meeting to discuss the alleged violations.

The missing NCRs previously referenced were submitted on July 24th

The Zoo is required to continue to implement the approved CAP in accordance with its milestone schedule with a final compliance date of December 31, 2020. Further, quarterly progress reports are required.

A civil penalty of \$4,350 is assessed which could have been reduced by one-half if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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