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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Garland County School District Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and Lake Hamilton School District No. 5 (“Lake Hamilton”) entered into a March 21st Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-037.

The CAO provides that Lake Hamilton operates a school with a wastewater treatment facility (“Facility”) in Garland County, Arkansas.

The Facility is stated to discharge treated wastewater to an unnamed tributary of Lost Creek which eventually flows into the Ouachita River. Such discharge is authorized pursuant to an NPDES permit.

DEQ is stated to have sent Lake Hamilton a letter requesting a Corrective Action Plan (“CAP”) on March 23, 2017, to address violations of NPDES permit effluent limitations. The CAP was to have a milestone schedule, a final date of compliance, and be certified by an Arkansas Professional Engineer.

Lake Hamilton submitted a CAP on April 10, 2017, with a final compliance date of July 31, 2017, which was approved by DEQ. DEQ also requested that Lake Hamilton submit a certification of compliance to DEQ by September 1, 2017, certifying that the CAP corrective actions had been completed and that the Facility was in compliance with the NPDES permit effluent limitations. Such certification of compliance was submitted on November 10, 2017.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by Lake Hamilton. The review is stated to have indicated the following violations:

- Nineteen (19) violations of Ammonia Nitrogen;
- Fourteen (14) violations of Total Suspended Solids;
- Nine (9) violations of Fecal Coliform Bacteria;
- Eight (8) violations of Oil & Grease;
- One (1) violation of Dissolved Oxygen; and
- One (1) violation of Carbonaceous Biochemical Oxygen Demand.

DEQ and Lake Hamilton are stated to have met on October 1, 2021, to discuss the alleged violations. Lake Hamilton subsequently received correspondence from DEQ requesting a revised CAP to address the alleged violations. The CAP was again required to have a revised milestone schedule, final date of compliance, and be certified by an Arkansas Professional Engineer. Lake Hamilton subsequently corresponded with DEQ to provide an update on the corrective actions.

DEQ conducted a follow-up review of the DMRs submitted by Lake Hamilton. Such review is stated to have identified the following violations:

- Two (2) violations of Ammonia Nitrogen;
- Two (2) violations of Total Suspended Solids;
- One (1) violation of Fecal Coliform Bacteria; and
- One (1) violation of Dissolved Oxygen

Lake Hamilton submitted a CAP to DEQ with a milestone schedule for the CAP tasks and a final compliance date of October 31, 2022. DEQ responded that the CAP was adequate with the following requirement:

Please submit quarterly progress reports to DE detailing the corrective actions taken to come into compliance with the effluent limits of the Permit. The first progress report will be due on January 15, 2022, and quarterly thereafter until the CAP is completed.

Lake Hamilton subsequently submitted a CAP progress report on January 18th.

Lake Hamilton is required to comply with the terms, milestone schedule, and final compliance date contained in the CAP. Such components of the CAP are fully enforceable as terms of the CAO. Further, quarterly progress reports are required.

A civil penalty of \$5,600 is assessed which is conditionally suspended if Lake Hamilton fully complies with the CAO.

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