Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Arkansas Department of Parks, Heritage, and Tourism Enter into Consent Administrative Order

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The Arkansas Department of Energy & Environment - Division of Environmental Quality ("DEQ") and the Arkansas Department of Parks, Heritage, and Tourism ("Parks") 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. 22-034.

The CAO provides that Parks operates a wastewater treatment facility ("Facility") in Nevada County, Arkansas, at the White Oak Lake State Park.

The Facility is stated to discharge treated wastewater to White Oak Lake which eventually flows into the Ouachita River. Such discharge is regulated pursuant to an NPDES permit.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports ("DMRs") submitted by Parks in accordance with the NPDES permit. Such review is stated to have indicated the following violations:

- Ten (10) violations of Total Suspended Solids;
- Eight (8) violations of Total Phosphorus:
- Five (5) violations of Fecal Coliform Bacteria;
- Two (2) violations of Ammonia Nitrogen;
- Two (2) violations of Dissolved Oxygen; and
- Two (2) violations of Carbonaceous Biochemical Oxygen Demand

The CAO requires within 60 calendar days of the effective date of the document that Parks submit to DEQ for review and approval a comprehensive Corrective Action Plan ("CAP") developed by an Arkansas Professional Engineer. The CAP must, at a minimum, include:

- Methods and best available technologies that will be used to correct the violations
- Methods and best available technologies that will be used to prevent future violations

The CAP is required to include a milestone schedule with a date of final compliance. Upon review and approval by DEQ, Parks is required to comply with the terms, milestone schedule, and final compliance date contained in the approved CAP which shall be fully enforceable pursuant to the CAO.

Further, quarterly progress reports are required to be submitted to DEQ.

A civil penalty of $4,200 is assessed which is conditionally suspended if Parks fully complies with the requirements of the CAO.

A copy of the CAO can be downloaded here.