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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and U.S. Army Corps of Engineers Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and the U.S. Army Corps of Engineers ("Corps") entered into a January 23rd Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit. See LIS No. 25-005.

The CAO provides that the Corps operates a minor industrial wastewater treatment facility in Montgomery County, Arkansas.

The facility is denominated the Little Fir Recreation Area.

The facility discharges treated wastewater to Lake Ouachita, which eventually flows to the Ouachita River. Such discharge is regulated pursuant to an NPDES Permit.

Part III.D.10 of the NPDES Permit requires the Corps to submit a complete permit renewal application at least 180 days prior to the expiration date of the Permit if the activity regulated by the Permit is to continue after the expiration date. The corps has operated the facility beyond the expiration date.

DEQ received a permit renewal application from the Corps on November 8, 2023, but was notified that its application was incomplete on the same day. A complete permit renewal application was submitted on the same day.

Because the NPDES permit renewal application was not received by November 3, 2023, this is alleged to be a violation of the previously-referenced section of the NPDES Permit.

DEQ conducted a review of the certified Discharge Monitoring Reports ("DMRs") submitted by the Corps. The review is stated to have identified the following violations:

1. Four (4) violations of Total Suspended Solids; and,
2. Two (2) violations of Carbonaceous Biochemical Oxygen Demand.

A review of the DMRs is also stated to have indicated that the Corps failed to submit DMRs by the due date for the following four monitoring periods:

- 2022: March, April, May, and June.

A review is also stated to have indicated that the Corps failed to conduct analysis for the monitoring periods ending in March 31, 2021, and July 31, 2022.

The CAO requires that the Corps comply with the existing NPDES Permit until either the effective date of the Permit renewal or the effective date of the Permit termination. Further, the Corps is required to sample the effluent in accordance with the requirements set forth in Part I.A of the Permit. In addition, all DMRs must be submitted in accordance with Part III.C.5 of the Permit.

The Corps agrees to be subject to a civil penalty of \$2,200.00 for any ongoing and future violations related to the violations in the findings of facts. Should the Corps fail to remedy the ongoing violations prior to the final compliance date contained in the approved CAP.

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