Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Garland County Non-Municipal Domestic Treatment Facility Enter Consent Administrative Order

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and Lakeside Gardens Horizontal Property Regime ("Lakeside") entered into a February 4th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System ("NPDES") permit. See LIS No. 25-008.

Lakeside is stated to operate a non-municipal domestic treatment facility in Garland County, Arkansas.

Such a facility is stated to discharge treated wastewater to Lake Hamilton, which eventually flows to the Arkansas River. Such discharge is regulated pursuant to an NPDES Permit.

DEQ is stated to have issued the NPDES Permit on April 18, 2019, and it expired on April 30, 2024. Part III, Section D, Condition 10 of the NPDES Permit requires that a complete permit renewal application be submitted at least 180 days prior to the expiration date if the activity regulated will continue. Lakeside intends to continue to operate the facility beyond the expiration date of the current Permit.

A complete NPDES permit renewal application was submitted to DEQ on December 6, 2023. However, because it was not received by November 2, 2023, this constitutes a violation of Part III, Section D, Condition 10 of the Permit.

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

- Nine (9) violations of Dissolved Oxygen;
- Two (2) violations of pH;
- One (1) violation of Fecal Coliform;
- One (1) violation of Oil and Grease.

The review of the DMRs is also stated to have indicated that Lakeside failed to submit Non-Compliance Reports ("NCRs") for effluent violations reported during the monitoring period ending August 30, 2022, violating Part III, Section D, Condition 7 of the Permit. In addition, Lakeside is stated to have failed to submit DMRs by the due date for the monitoring period ending December 31, 2021, violating Part III, Section C, Condition 5 of the Permit.

Lakeside is also stated to have not submitted certain required Permit fees, violating Part III, Section A, Condition 11 of the Permit.

The CAO requires that Lakeside comply with the existing Permit until either the effective date of the permit renewal or the effective date of the permit termination.

Further, Lakeside is to immediately comply with all permitted effluent limits, unless a Corrective Action Plan ("CAP") is submitted and approved by DEQ in which case the facility is required to comply with all permitted effluent limits no later than December 30, 2025. In the event the facility is unable to immediately comply with all permitted effluent limits, it must within 30 calendar days of the effective date of the CAO submit to DEQ for review and approval a comprehensive CAP developed by an Arkansas Professional Engineer. Such CAP is required to include at a minimum, the methods and best available technologies that will be used to correct the alleged violations listed in Paragraph 18 and prevent future violations.

A reasonable milestone schedule and quarterly progress reports are required.

Lakeside is also required to submit all DMRs and NCRs as required by the relevant Section of the Permit. Further, the overdue fees must be paid within 30 calendar days of the effective date of the CAO.

A civil penalty of $2,950.00 is assessed which could have been reduced to one-half if the CAO was signed and returned to DEQ within 20 calendar days of its receipt.

A copy of the CAO can be downloaded here.