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## Wastewater Enforcement: Arkansas Department of Environmental Quality and National Park Service Enter into Consent Administrative Order

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The Arkansas Department of Environmental Quality (“ADEQ”) and the United States Department of the Interior – National Park Service (“NPS”) entered into an August 17th Consent Administrative Order (“CAO”) addressing alleged violations of Arkansas wastewater regulations. See LIS No. 18-075.

The CAO provides that NPS operates the Buffalo National River-Buffalo Point Upper Sewer Plant (“U2-A”)(“Plant A”) that services its Buffalo Point Concession in Yellville, Arkansas. The Plant discharges to:

... an unnamed tributary of Panther Creek, thence to Panther Creek, thence to the Buffalo National River, thence to the White River in Segment 4J of the White River Basin.

The discharge is authorized pursuant to a National Pollution Discharge Elimination System (“NPDES”) permit.

The NPS is stated to also operate the Buffalo National River-Buffalo Point Lower Plant (“U2-B”)(“Plant B”) that services its Buffalo Point Campground located in Yellville, Arkansas. This Plant B also eventually discharges to Segment 4J of the White River Basin pursuant to a NPDES permit.

NPS is stated to have submitted to ADEQ on March 9, 2016, a letter requesting consultation on the proposed replacement of Plants A and B. ADEQ notified NPS that replacement of the plants would require acquisition of a State Construction Permit for each wastewater treatment plant and modification of the NPDES permits. NPS submitted to ADEQ on March 16, 2017, an application for modification of the NPDES permits, along with State Construction Permit applications for Plants A and B.

ADEQ is stated to have notified NPS that the applications submitted were incomplete. Additional information was submitted by NPS and eventually determined to be administratively complete. As a result, the State Construction Permit applications and application for NPDES permit modifications for the plants were public noticed on June 22, 2017.

ADEQ is stated to have conducted a compliance evaluation inspection of the Plant A facility on January 17, 2018. The agency staff observed NPS performing construction activities to modify the current treatment system. Such construction activities to modify the current treatment system at Plant A were allegedly done before receiving authorization under a State Construction Permit, violating certain Arkansas Pollution Control and Ecology Commission regulations.

ADEQ and NPS discussed the inspection. NPS provided a response.

The CAO provides that NPS's response to the inspection indicated construction was approximately 87% complete, including the installation of wastewater tanks at Plants A and B. Such construction is stated to have ceased. Further, NPS also began construction activities to modify the current treatment system at Plant B before receiving the required authorization. ADEQ conducted a compliance evaluation inspection on February 28, 2018, and confirmed that such construction activity at Plant B had ceased.

NPS requested authorization to use the wastewater treatment tanks installed at Plants A and B. ADEQ responded that NPS must provide certification that the wastewater storage tanks were constructed according to plans and specifications provided in the construction permit application and that the current as-built condition of the tanks are competent and recommended for the storage of wastewater. Such information was submitted to ADEQ in a letter dated March 16, 2018.

ADEQ granted on April 5, 2018, NPS's request for Interim Authority to use the wastewater tanks installed at Plants A and B for the storage of wastewater. The state agency subsequently issued on April 30, 2018, State Construction Permits to NPS with an effective date of May 1, 2018. Further, ADEQ issued modifications to NPS permits for Plants A and B with effective dates of May 1, 2018.

The CAO requires that within 30 days of completion of construction at Plants A and B that NPS submit to the state agency written certification through a Professional Engineer licensed in the State of Arkansas that Plants A and B have been constructed or modified in accordance with the approved plans and specifications.

The CAO assesses a civil penalty in the amount of \$2,400, which could have been reduced by one half if the document was signed and returned to ADEQ within 20 days of the receipt of the CAO.

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