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

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The Arkansas Department of Energy and Environment - Division of Environmental Quality ("DEQ") and the United States Army Corps of Engineers ("Corps") entered into a September 15th Consent Administrative Order ("CAO") addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System ("NPDES") permit. See LIS No. 21-089.

The CAO provides that the Corps operates a domestic wastewater treatment facility ("Facility") in Hot Springs County, Arkansas, at the Shouse Ford Recreation Area (Degray Lake).

The Facility is stated to discharge treated wastewater to Degray Lake which eventually flows into the Arkansas River.

The discharge is authorized pursuant to an NPDES permit.

The NPDES permit had been issued to the Corps on August 26, 2013, and expired on August 31, 2018. A timely renewal application had been submitted on February 22, 2018. Such permit was renewed on October 17, 2018.

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports ("DMRs") submitted by the Corps in accordance with the NPDES permit.

The review is stated to have indicated the following violations of permitted effluent discharge limits from May 1, 2018, through April 21, 2021:

- Six violations of total Suspended Solids
- Five violations of Fecal Coliform Bacteria
- Four violations of total Phosphorus

In response to a request from DEQ, the Corps submitted a Corrective Action Plan ("CAP") to DEQ on June 8th. The CAP detailed long-term corrective actions necessary to achieve compliance with a final compliance date of December 31, 2022.

DEQ notified the Corps that the CAP was adequate. It also informed the Corps that the proposed corrective actions may require it to obtain a State Construction Permit, a Permit Modification, or both.

The CAO requires that the Corps comply with the terms, milestone schedule, and final compliance date of December 31, 2022, contained in the approved CAP. The milestone schedule and final compliance date shall be fully enforceable as terms of the CAO. Further, quarterly progress reports must be submitted regarding progress being made toward compliance.

A civil penalty of \$3,600 was assessed, which could have been reduced by 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](#).