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# Wastewater Enforcement: Arkansas Department of Energy & 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 & Environment – Division of Environmental Quality (“DEQ”) and the United States Army Corps of Engineers (“Corps”) entered into a Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit. See LIS No. 22-003.

The CAO provides that the Corps operates a domestic wastewater treatment facility (“Facility”) located on Iron Mountain Recreation Area Road, Clark County, Arkansas.

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

DEQ is stated to have conducted a compliance evaluation inspection of the Facility on October 27, 2020. The inspection is stated to have indicated the following violations:

1. Respondent was using the improper chlorine tablets. This action is a violation of Part III, Section B, Condition 1 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).
2. Respondent improperly reported the concentration of Total Suspended Solids on a Discharge Monitoring Report (DMR). This failure is a violation of Part III, Section C, Condition 5 of the Permit and therefore is a violation of Ark. Code Ann. § 8-4-217(a)(3).

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by the Facility in accordance with the NPDES permit. The review is stated to have indicated the following violations of the permitted effluent discharge limits:

- Eight (8) violations of Ammonia Nitrogen;
- Eight (8) violations of Total Suspended Solids;
- Seven (7) violations of Fecal Coliform Bacteria;
- Seven (7) violations of Total Phosphorus; and
- One (1) violation of Total Residual Chlorine.

DEQ requested a Corrective Action Plan (“CAP”) on June 23, 2021, to address the effluent violations. The CAP was required to include a milestone schedule and a final compliance date – along with a certification by an Arkansas Professional Engineer.

The Corps is stated to have submitted a CAP detailing short-term corrective action measures necessary to achieve compliance with a final compliance date of December 17, 2020.

DEQ is stated to have deemed the CAP adequate. The agency also notified the Corps that the proposed actions could not begin until the State Construction Permit had been issued. In response to a DEQ request, the Corps submitted progress reports toward achieving final compliance.

A follow-up review of certified DMRs was undertaken by DEQ on October 27, 2020. Such review is stated to have indicated the following violations:

1. Three (3) violations of Total Phosphorus;
2. Two (2) violations of Total Suspended Solids; and
3. Two (2) violations of Ammonia Nitrogen.

The Corps submitted a revised CAP with a final compliance date of October 1st.

The CAO requires that the Corps comply with the terms, milestone schedule, and final compliance date of October 1st contained in the revised CAP. Such schedule and final compliance date are enforceable pursuant to the CAO. Progress reports are required to be submitted.

A civil penalty of \$4,800 is assessed which is suspended if the Corps fully complies with the terms of the CAO.

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