



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Wastewater Enforcement: Arkansas Department of Energy and Environment – Division of Environmental Quality and Baxter County Resort Enter into Consent Administrative Order

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Holiday Shores Resort (“HSR”) entered into a July 6th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-079.

The CAO provides that HSR operates a resort with a wastewater treatment plant (“Facility”) in Midway, Arkansas.

The Facility is stated to discharge treated sanitary wastewater to Bull Shoals Lake which eventually flows to the White River. Such discharge is authorized pursuant to an NPDES permit.

Part III, Section D, Condition 10 of the NPDES permit requires HSR 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. HSR is stated to intend to operate the Facility beyond the expiration date.

DEQ received a permit renewal application from HSR on December 2, 2021, and December 8, 2021. HSR was notified that its application was incomplete. The incomplete application submitted was stated to be missing the following information:

- DEQ Form 1
- How will effluent samples be taken if there is a discharge?
- How will flow be measured?
- A topographic map showing a minimum of one mile around the property boundary of the facility must be submitted. The outfall location must also be marked on this map.
- Question 4.3 on EPA Form 2E must be marked "yes" because this is a permit for a sanitary sewer plant.

HSR submitted additional information for its permit renewal application and DEQ subsequently determined it was administratively complete.

The CAO provides that the complete permit renewal application was not received by December 2, 2021. Therefore, it is alleged that HSR failed to submit the complete permit renewal application by the required date and violated Part III, Section D, Condition 10 of the NPDES permit.

DEQ's review of the NPDES permit renewal application is stated to have identified that the licensed wastewater operator listed on the renewal application did not have a current license. The wastewater operator's license is stated to have expired on June 30, 2017. This is alleged to have violated Part II, Condition 1 of the NPDES permit which requires HSR to have a Class I municipal wastewater operator licensed in the State of Arkansas.

The CAO requires that HSR comply with the existing NPDES permit until either the effective date of the permit renewal or the effective date of the permit termination. Further, within 60 calendar days of the effective date of the CAO, HSR is required to provide documentation that the Facility has a wastewater operator who holds a minimum of a Class I municipal license in the State of Arkansas.

A civil penalty of \$2,600 is assessed which could have been reduced to one-half if the document was signed and returned to DEQ within 20 calendar days of its receipt.

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