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Wastewater Enforcement: Arkansas Department of Energy & Environment - Division of Environmental Quality and Arkansas Department of Parks, Heritage, and Tourism Enter into Consent Administrator Order

11/04/2022

The Arkansas Department of Energy & Environment – Division of Environmental Quality (“DEQ”) and the Arkansas Department of Parks, Heritage, and Tourism (“Department”) entered into a September 29th Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit. See LIS No. 22-102.

The CAO addresses Queen Wilhelmina State Park (“Park”).

The Park is stated to operate a wastewater facility (“Facility”) in Pope County, Arkansas. Such Facility discharges treated wastewater to an unnamed tributary of Mill Creek which eventually flows into the Red River. The discharge is regulated pursuant to an NPDES permit (“Permit”).

DEQ is stated to have conducted a review of certified Discharge Monitoring Reports (“DMRs”) submitted by the Park in accordance with the Permit. The following violations of the permitted effluent discharge limits are stated to have been identified:

1. Five (5) violations of Carbonaceous Biochemical Oxygen Demand;
2. Four (4) violations of Total Residual Chlorine;
3. Four (4) violations of Fecal Coliform Bacteria; and
4. Two (2) violations of Dissolved Oxygen.

The review of the DMRs is also stated to have indicated that the Park failed to submit DMRs by the due date for the following monitoring periods:

- July 1-31, 2021
- August 1-31, 2021
- October 1-31, 2021

The CAO requires that within 90 calendar days of the effective date of the CAO that the Department submit to DEQ for review and approval a Comprehensive Action Plan (“CAP”) developed by an Arkansas Professional Engineer. The CAP is required to include at a minimum:

- Methods and Best Available Technologies that will be used to correct the violations in Findings of Fact Paragraph 11 and prevent future violations
- Reasonable milestone schedule with a date of final compliance

Upon review and approval by DEQ, the Department is required to comply with the terms, milestone schedule, and final compliance contained in the approved CAP. Quarterly progress reports are required to be submitted.

The Department is also required to submit DMRs in accordance with the relevant sections of the NPDES permit.

A civil penalty of \$7,000 is assessed which is conditionally suspended if the Department fully complies with the CAO.

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