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Wastewater Enforcement: Arkansas Department of Energy and Environment - Division of Environmental Quality and Hot Springs Non-Municipality Domestic Treatment Facility Enter into Consent Administrative Order

02/18/2025

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The Arkansas Department of Energy and Environment – Division of Environmental Quality (“DEQ”) and Lakeside Gardens Horizontal Property Regime (“LG”) entered into a February 3rd Consent Administrative Order (“CAO”) addressing alleged violations of a Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) Permit. See LIS No. 25-008.

The CAO provides that LG operates a non-municipal domestic treatment facility (“Facility”) located in Hot Springs, Arkansas.

The Facility is denominated Lakeside Gardens Condominiums.

It is stated to discharge treated wastewater to Lake Hamilton which eventually flows into the Ouachita River. Such discharge is regulated pursuant to an NPDES Permit.

Part III, Section D, Condition 10 of the NPDES Permit requires that LG to submit a complete permit renewal application at least 180 prior to the expiration date of the Permit if the activity regulated is to continue after the expiration date. The Facility intends to operate beyond the expiration date of the NPDES Permit.

DEQ received an NPDES permit renewal application on November 6, 2023, and on November 9, 2023, which was deemed incomplete. A complete permit renewal application was submitted on December 6, 2023, and deemed administratively complete on the same date. However, because NPDES permit renewal application was not received by November 2, 2023, this constitutes a violation of Part III, Section D, Condition 10 of the NPDES Permit.

DEQ conducted a review of the certified Discharge Monitoring Reports (“DMRs”) submitted by LG on January 31st. The review is stated to have indicated the following violations of the effluent discharge limits:

1. Nine violations of Dissolved Oxygen;
2. Two violations of pH;
3. One violation of Fecal Coliform; and
4. One violation of Oil and Grease.

In addition, LG is stated to have failed to submit Non-Compliance Reports (“NCRs”) for effluent violations reported during the monitoring period ending August 30, 2022, violating Part III, Section D, Condition 7 of the NPDES Permit. LG is also indicated to have failed to submit DMRs by the due date for the monitoring period ending December 31, 2021, violating Part III, Section D, Condition 5 of the Permit.

The CAO also provides that LG has failed to make payment of \$956.00 for annual fees for the NPDES Permit.

The CAO requires that LG comply with the existing NPDES Permit until either the effective date of the NPDES Permit renewal or the effective date of the Permit termination. Further, LG is required to immediately comply with all permitted effluent limits unless a Corrective Action Plan (“CAP”) is submitted, as provided in paragraph 3 of the CAO, and approved by DEQ.

If LG is unable to comply immediately with all permitted effluent limits, then within 30 calendar days of the effective date of the CAO a comprehensive CAP developed by an Arkansas Professional Engineer is required to be submitted. Quarterly progress reports are also required to be made.

LG is also required to submit all DMRs and NCRs in accordance with the applicable sections of the NPDES Permit. In addition, all past due fees are required to be submitted within 30 calendar days of the effective date of the CAO.

A civil penalty of \$2,950.00 is assessed, which could have been reduced by 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](#).